

Cril. Bail Appln. No.60/2026
Kishor Malviy ..Vs.. State.
(CNR No.MHYA010005862026)

ORAL ORDER BELOW EXH. 1

1. This is an application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in Crime No.126/2025, registered with Ghatanji Police Station, Dist. Yavatmal for the offences punishable under sections 64(2)(f)(m), 65(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard the learned counsel for the applicant and the learned A.P.P for the State. Perused the record.

3. It is submitted by the learned counsel for the applicant that there are no allegations of penetrative sexual assault in the FIR or the statement of the victim. Her statement recorded by the learned magistrate is contradictory and afterthought. The previous statement can be relied upon. The incident is not possible, as the wife of the applicant is also a teacher. The alleged second incident before 3 days is not possible, as there was an old healed tear of hymen, as per the medical report. There is the possibility of relations with others. There are no criminal antecedents against the applicant. He came to be falsely implicated.

4. *Per contra*, it is submitted by the learned APP that there was penetrative sexual assault, twice. A threat was given to the

victim. The medical report supports the police. The statement recorded by the learned magistrate also supports the same.

5. Perused the record of special case No. 51/2026, which is the record of the charge-sheet filed against the applicant. As per the FIR, the victim was aged about 13 years. The accused, being the headmaster of the school, wherein the victim was studying, had established relations with the victim, twice, without specifying that those were sexual relations. The victim also echoed, in an identical manner, in her statement recorded by the police. The *factum* of establishment of relationship deserves to be construed in an appropriate manner. Establishment of relationship on two occasions cannot connote any meaning, other than sexual relationship. In that context, the statement of the victim recorded by the learned magistrate, just two days later, will have to be impressed upon, wherein, the victim appears to have stated the establishment of sexual relationship, in the nature of sexual intercourse.

6. There are said to be repeated contacts *inter se* the applicant and the victim through the media of a mobile. Apart from the same, the medical report shows the existence of a healed hymen tear, which can be related to the first incident of sexual intercourse, though not to the second incident.

7. The offence is certainly serious in nature, whereby the headmaster of a school is said to have had sexual intercourse with

a student child, aged about 13 years old only. Apart from the same, the possibility of influencing the victim by the applicant, being her headmaster, cannot be ruled out, if he is enlarged on bail.

8. Considering the gravity of the crime and also considering the possibility of influencing the victim, the applicant does not deserve to be enlarged on bail. Thus, I proceed to pass the following order.

ORDER

The application is hereby rejected.

Date: 15/04/2026
Place: Yavatmal.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.