



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3262 OF 2023

Sameer Lawate ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

**SNEHA
NITIN
CHAVAN**

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Mr. Akshay Deshmukh (via Video Conference) a/w Lavinha Rosario
i/b Aniket Pawar for the Applicant

Mr. Y.Y. Dabake, APP for the Respondent/State.

**CORAM : M.M.SATHAYE J.
DATE : 13th NOVEMBER 2023
(Vacation Court)**

PC. :-

1. This is an application for anticipatory bail application in connection with CR No. 209 of 2023 registered with Vishrambaug Police Station, Pune for offence punishable under Section 8 and 12 of the Protection of Children from the Sexual Offences Act, 2012 (for short 'POCSO')

2. Heard learned counsel for the Applicant and the learned APP for the Respondent No.1 State. Respondent No.2 is the complainant at whose instance the subject matter FIR No. 209 of 2023 dated 21.09.2023 is filed.

3. Learned counsel for the Applicant has invited this Court's attention to the allegations in the FIR which are in respect of alleged acts that have taken place from June 2020 to September 2022. The learned counsel for the Applicant submitted that he was a wrestling (*kusti*) teacher to the student taking education in Dyan Prabodhini Prashala at Pune. He submitted that the very nature of the sport of *Kusti* involves training with a particular type of clothing (*langot*) and the training necessarily involves physical engagement of the students *inter se* or with the teacher, in a place called *akhada* filled with red-clay. He submitted that with permission of the school, he was teaching *Kusti* to the students in *akhada*. In view thereof, he submitted that the averments in the FIR do not constitute the alleged offence and prayed for ad-interim protection.

4. On the other hand, learned APP strenuously opposed the request of granting any ad-interim protection. He submitted that considering the nature of averments in the FIR and observations of the learned Sessions Judge that there are statements of 10 victim boys, no ad-interim protection be granted.

5. It is necessary to issue notice to the Respondent no.2-Complainant before any final order can be passed. Considering the arguments advanced by the learned counsel for the Applicant, in my view, in the interregnum, ad-interim protection can be granted to the Applicant, with stringent conditions.

6. Hence, the following order:

a) In the event of arrest of the Applicant in connection with CR No. 209 of 2023 registered with Vishrambaug Police Station, Pune for offence punishable under Section 8 and 12 of the Protection of Children from the Sexual Offences Act, 2012, the Applicant be released on bail on furnishing PR. Bond of Rs.50,000/- with one or two sureties in the like amount.

b) The Applicant is directed to file an undertaking in this Court, within a period of one week from today, stating that he will not try to contact in any manner whatsoever, any of the witnesses who have given statements in this matter.

c) The Applicant is further directed to attend the concerned Police Station as and when called and also to co-operate with the investigation. The Applicant is also directed not to tamper

with prosecution evidence.

7. This order is granted by way of ad-interim protection till next date. Place the matter before the regular Bench on 29.11.2023.

8. All concerned to act on an authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]