

ORDER BELOW EXH.1

The applicant Razzak Rasul Shaikh was arrested on 27.05.2024 in connection with C.R. No. 329/2024 registered in Yeravada Police Station under Section 354 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012. He has filed this application for bail under Section 439 of the Cr.P.C. He contends that this is his first bail application and no other bail application is pending in any other Court.

2. The indictment of the applicant as it reveals from the allegations in the FIR and other investigating papers is that on 27.05.2024 when the informant was present in her house with her husband, her daughter aged 12 years came home scared and she told that one auto rickshaw stopped in front of her house and its driver opened the zip of his pant and shown her his private part. When the informant came out of the house, that auto rickshaw driver ran away with his auto rickshaw but the informant noted the registration number of that auto rickshaw and lodged complaint against its driver who was found to be the present applicant. The crime was registered and he was arrested.

3. The applicant contends that he is falsely implicated and no incident as alleged has actually taken place. The Ld. Advocate of the applicant submits that the alleged offences are not punishable with death or life imprisonment. The applicant is local resident, he will not flee away and will abide by all the conditions those would be imposed

by this Court. He therefore, submits that the applicant be released on bail.

4. The application is resisted by the Investigating Officer by filing say (Exh.4) and based on it, the Ld. A.P.P. submits that considering the nature of offence, the investigation is going on and therefore, the applicant may not be released on bail as he would interfere with the investigation or would pressurize the prosecution witnesses.

5. Having considered the rival submissions, the nature of offence and the nature of allegations, I am of the view that further detention of the applicant would not be necessary. The suitable conditions would take care of the apprehension posed by the prosecution. Having found this, I am inclined to release the applicant on bail on certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Razzak Rasul Shaikh, who was arrested on 27.05.2024 in connection with C.R. No. 329/2024 registered in Yeravada Police Station under Section 354 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- with surety of the like amount.
- 3] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 4] The applicant shall not contact with the victim and

family members, in any manner.

- 5] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 6] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 7] Violation of any of these conditions would entail a ground for cancellation of bail.
- 8] Bail application stands disposed of accordingly.

Pune.
Date – 02.07.2024.

(S.R. Salunkhe)
Spl. Judge (POCSO), Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- Sau.S.V.Thakar (Steno G-1)
Court Name	- S. R. Salunkhe, Spl.Judge (POCSO) Pune.
Date of Order	- 03.07.2024
Order dictated on	- 03.07.2024
Order transcribed on	- 03.07.2024
Order signed by P.O.	- 03.07.2024
Uploaded on	- 04.07.2024