

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 1290/2023 registered with Kondhawa police station for the offences punishable under Sections 377 of the Indian Penal Code and under Sections 3,4,8,12 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and police papers.

4] The victim boy aged 16 years has lodged a report against the applicant. The F.I.R. indicates against the allegations against the applicant that from 08.11.2023 to 20.12.2023, repeatedly the applicant, who is watchman of the society where the victim boy is staying, has repeatedly sent on the Whatsapp of the victim boy sex videos. He had taken the victim boy in the washroom of building A-3 of the society without his consent and forcefully kissed him on his lips and kept with him carnal intercourse.

5] It appears that in the F.I.R., the victim boy had stated how

and when the applicant sent him sex videos and how forcibly he has inserted his part of urination in the anus of the victim boy by taking him in the washroom of building A-3 of the society. Due to the act of the applicant, the victim boy started bleeding. The parents of the victim boy observed the bleeding and then the parents came to know the act committed by the applicant upon the victim boy.

6] The victim boy was examined by the doctor on 21.12.2023. He disclosed history to the doctor. He named security guard of the building as a assailant i.e. the present applicant. The victim boy disclosed history of anal intercourse by the applicant with him on 8th November and 13th November, 2023 respectively and history of showing sex videos and history of removing clothes by the security guard. The security guard committed anal intercourse on 20.12.2023 and history of urethral bleeding.

7] Thus, prima facie there is sufficient material against the applicant. The applicant is the security guard of the society, where the victim boy is staying. The nature of the offence is serious. He taught how to drive the car and thereafter, the applicant has established forcefully carnal intercourse with the victim boy. The investigation is in progress. If the applicant is released on bail, possibility of pressurizing the victim boy and his family members cannot be ruled out. Further, the native place of the applicant is at Madhya Pradesh and therefore, possibility of his flee from justice also cannot be ruled out, if he is released on bail. Therefore, in the facts and circumstances, this application is to be rejected. With this, I proceed to pass the following order:

ORDER

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.
Date – 30.01.2024.

(S.P. Ponkshe)
Addl. Sessions Judge, 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	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 30.01.2024
Order dictated on	- 30.01.2024
Order transcribed on	- 30.01.2024
Order signed by P.O.	- 30.01.2024
Uploaded on	- 31.01.2024