

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. 30/2024 registered with Chaturshingi police station for the offences punishable under Sections 354, 354-D, 201 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act and under Section 67, 67(A) of the Information Technology 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] It is argued by Ld. Advocate for the applicant that the applicant is P.T. Teacher. There is delay of two months in lodging the report. The mobile phone has already been seized. Almost investigation has been completed and prayed for allowing the application.

5] Ld. Advocate for the applicant has placed his reliance in -

i] Pramod Anand Dhumal Vs. The State of Maharashtra in Anticipatory Bail Application no. 1114 of 2020 decided on 07.01.2021,

ii] Subhendu Nath Vs. State of West Bengal reported in 2019 ALL MR(Cri) Journal 303.

6] Ld. Spl. P.P. has submitted that the victim is 15 years and 7 months old and the applicant is teacher and prayed for rejection of the application.

7] The victim aged 15 years and 7 months old has lodged a report against the applicant, who is P.T. teacher in the school of the victim. The victim is studying in Saraswati Educational Society, Gurukul, Bhosale Nagar, Pune in 10th standard. The applicant is P.T. Teacher in the school. In the year 2023, the victim went to play basket ball competition along with the applicant at Deccan Gymkhana, Pune. In the year 2023, the date is not recollected, P.T. Teacher sent the victim request from his Instagram account and the victim accepted the same. He was discussing about the studies on the said account. On 12.11.2023, the victim had kept Insta story on her account and the applicant gave her message. He gave her message, “रात्री गोव्याचा बीच खूप छान वाटतो तू गोव्याला फिरायला ये, मी तुला गोवा फिरवून आणतो”. He told her not to inform about their chatting. Thereafter, he asked the victim, “are you virgin? Just sleeping and not sleeping sex? Game thoda hot ho rahi thi and you are leaving, I wanna do sex under shower... and wanna makeout in girls washroom..ye meri bucket list hai...try karunga but I have done it but still aur ek bar karna hai..., I dare you send me your hottest picture from your gallery. Eat a banana in a seductive manner (if no banana replace it with your fingers) this I found from google” and he was thus sending filthy messages and videos. The applicant has also made

same type of chats with other girls also.

8] It seems that mobile phone of the applicant has been seized and upon opening his account, there were no messages and he has deleted all the messages and thus, Section 201 of the I.P.C. seems to be added. It appears prima facie that the cell phone of the applicant has already been seized. The prosecution relies on the electronic evidence and it appears that for the same, applicant's further detention behind the bars is not necessary. There is no recovery or new discovery from the applicant. Considering the nature of the offence and punishment provided for the alleged offence, it is just to release the applicant on bail by imposing stringent conditions upon him. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Shubham Vishram Naik** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every **Monday, Wednesday, Friday** between 10.00 am to 11.00 am till filing of the charge-sheet.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim and witnesses and shall not indulge in any offence.
- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.

- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] 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