

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. 32/2024 registered with Dighi police station for the offences punishable under Sections 354 of the Indian Penal Code and under Sections 9,10 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.

4] The father of the victim has lodged a report against the applicant. The victim is 6 years old and studying in UKG. On 21.01.2024, there was programme of Ramkatha in the society of the informant at around 10.00 a.m. and five persons came to perform the said programme. The victim went to play in the garden of the society at around 11.00 a.m. and she did not return till 2.00 p.m. Therefore, the informant sent his son aged 11 years to bring the victim to home and accordingly, he went in the garden of the society. In the meantime, wife of the informant received phone call from lady of the society and called the wife of the informant in the parking of the society and she told the informant and his wife one of the person

from Ramkatha programme Bhajani Mandal had taken the victim on his lap and doing indecent behaviour with the victim. Then the informant and his wife went and asked the victim and she told that one person who wore orange colour clothes took her in his lap and he was moving his hand on her chest and back and she felt uneasy and ran in the garden. Therefore, they checked CC TV footage and to search the person, who had seen in the CC TV footage, they went where the Ramkatha programme was going on and that person found, who was playing Dholki in the programme. Immediately, the informant and Chairman and Secretary of the society had taken Dholki player in the club house and again saw CC TV footage and confirmed the said person and asked him his name. He told his name Sanjay Laxman Das, age 39 years resident of Shantinagar, Bhosari, Pune. They restrained the said person in the club house and took the police help and brought the applicant in the police station and accordingly, the informant has lodged the report against the applicant.

5] The statement of the victim prima facie discloses that she has reiterated the incident committed by the person with her who wore orange colour clothes. She has specifically stated that the said person took her near to him and made her sit on his lap and moved his hand on her chest and even he moved his hand on her cheeks. The victim was scared and ran to play at different place. Thus, the victim aged 6 years old has stated the incident.

6] In support, there is statement of the mother of the victim and Chairman and Secretary of the society and members of the

society. They had seen the CC TV footage and observed the act committed by the applicant with the victim.

7] Thus, prima facie there is sufficient material in respect of commission of sexual assault by the applicant upon the victim. The father, the mother and society chairman, secretary have identified the applicant from CC TV footage and the applicant told them his name and with the help of police, immediately the applicant brought to the police station. Thus, considering the nature of the offence and the applicant who had been there for performing the programme, prima facie seems to be committed sexual assault upon the victim, aged 6 years. Therefore, considering the nature of the offence, it is not just and proper to release the applicant on bail. Therefore, 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 – 01.03.2024.

(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	- 01.03.2024
Order dictated on	- 01.03.2024
Order transcribed on	- 01.03.2024
Order signed by P.O.	- 01.03.2024
Uploaded on	- 02.03.2024