

**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. 26/2024 registered with Wanawadi police station for the offences punishable under Sections 354 of the Indian Penal Code and under Section 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. Perused the documents and photographs tendered by the applicant.

4] The victim aged 13 years has lodged a report against her father on 11.01.2024. Her mother expired on 20.10.2023 due to Cancer. Thereafter, the victim, her sister and her father and maternal grandmother were residing together. After demise of the mother of the victim, the applicant started quarrel with maternal grandmother of the victim. He was telling the victim that why she was sleeping in the room of maternal grandmother and why she was not coming in his room to sleep. The victim told him that she did not like and thereafter, the applicant used to make quarrel with the victim.

Without her wish, the applicant gave hug to the victim and she did not like it and she told about the same to her maternal grandmother. The applicant shouted to the maternal grandmother of the victim and the victim. Therefore, the victim got scared. After demise of the mother, the applicant has committed bad act with her and therefore, her maternal aunt Sarojini Naidu was decided to take them to Hyderabad but the applicant did not allow. The applicant made quarrel with the maternal aunt of the victim. The maternal aunt of the victim made complaint against the applicant to CWC and as per the order, the victim and her sister have been kept in the Sanstha at Lonavala. The victim felt touch of the applicant bad. Once the applicant also touched the sister of the victim's waist and she also felt that it was bad touch. Accordingly, the report has been lodged against the applicant.

5] Prima facie it appears that the applicant is adoptive father of the victim and her sister. Unfortunately, the wife of the applicant expired on 20.10.2023. Earlier to that son of the applicant met with the traffic accident in the year 2014 and he expired. After perusal of photographs, it seems that the victims and the applicant's relations was good. Further it seems that after demise of the son, the applicant and his wife started Sanstha by name Shekhar Naidu Memorial Foundation and has started social work for education of small children, to help for adoption process, for donation of organs after the demise etc. further, it seems that on 24.10.2023, the applicant had given one complaint by making allegations against the sister of his wife and the mother of his wife. If the allegations are taken into consideration from photographs, it seems that the victims being

daughters were close to the applicant. In the circumstances, the statements of both the victims creates doubt in mind in respect of the allegations made against the applicant.

6] Therefore, in the above facts and circumstances, considering the allegations against the applicant and as almost the investigation has been completed, it is not just and proper to keep the applicant behind the bars. Hence, application is to be allowed. With this, I proceed to pass the following order:

**ORDER**

- 1] The application is allowed.
- 2] The applicant **Sanjay Kumar Naidu @ Sanjay Kumar Ranganathan Naidu @ M. Sanjay Kumar Naidu** 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 and 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, informant and family members 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 – 22.01.2024.

(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.

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| Name of Steno        | - Sau.S.V.Thakar (Steno G-1)                      |
| Court Name           | - Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune. |
| Date of Order        | - 22.01.2024                                      |
| Order dictated on    | - 22.01.2024                                      |
| Order transcribed on | - 22.01.2024                                      |
| Order signed by P.O. | - 22.01.2024                                      |
| Uploaded on          | - 23.01.2024                                      |