

State Vs. Ankush Vasant Hundalkar.

: Order below Exh. 05 :(Dated 14th August 2024)

This is second bail application on behalf of the accused for grant of regular bail as per Sec. 439 of the Cr.P.C. in Crime No. 662/2019 registered with Chikhali police station, for the offences punishable U/Ss. 354, 354-A of the IPC and U/Ss. 4, 8, 11 and 12 of the POCSO Act.

02 Applicant is seeking regular bail on the grounds that, he is ready to abide conditions of bail. He will not abscond. Nothing is recovered or discovered at his instance. If he is released on bail, he will be in better position to defend himself. Alleged incident never happened and he is falsely implicated in the same.

03 Learned A.P.P., I.O. and informant all have resisted the application by filing say with contention that, if accused is released on bail, he may tamper evidence and threaten the victim and witnesses. Hence, application may be rejected.

04 Perused record. Alleged incident is dated 24.11.2019. Victim aged 06 years had been at the shop of accused for purchasing some snack. It is alleged that accused was present there. He make the victim sit on his lap and he was touching her breast and he was touching her vagina by putting his hand inside her underwear. Her mother went in search of the victim and saw accused while doing said act with victim. Subsequently filed the report.

05 The incident is of serious nature. But accused is in custody since last 04 years. The trial could not commence during these 04 years. Similarly, it cannot be said further how much time it will take for commencement and closure of trial. In my view, till then detaining accused is not necessary. His criminal liability can be decided during trial without his detention. Protection of victim and witnesses and presence of accused can be secured by imposing necessary conditions. Hence, considering long time required for commencement of trial, I am of the view that applicant is entitled for bail with following order :-

ORDER

- 01.** Application (Exh. 01) is allowed.
- 02.** Release the applicant namely **Ankush Vasant Hundalkar R/o- Pune**, on personal bond and furnishing surety bond of **Rs. 30,000/- each**.
- 03.** The applicant shall attend the scheduled dates regularly without fail.
- 04.** He shall not try to contact victim in any manner and shall not influence witnesses.
- 05.** He shall produce proof of his permanent address and identity card while executing bond.

Bail before concerned Court.

(S. B. Rathod)

Additional Sessions Judge,
Pune.

Date : 14.08.2024

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno.	:-	S.P. Chabukswar
Court Name	:-	S.B. Rathod. Additional Sessions Judge, Pune
Date	:-	14/08/2024
order signed by P.O. on	:-	14/08/2024
order uploaded on	:-	14/08/2024