

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. 786/2023 registered with Kondhawa police station for the offences punishable under Sections 354-D 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.

4] The mother of the victim has lodged report against the applicant that he has gave obscene/filthy messages to the victim aged 14 years and 6 months old on her mobile phone from his mobile phone and outraged her modesty and committed sexual harassment to the victim.

5] It appears from the statement of the victim that the applicant is the Watchman at the nearby society and he sent her messages and missed calls. Thereafter, she switched off her mobile phone. But on 29.07.2023, she activated her mobile phone and she

kept her Sim Card in the mobile phone of her sister and using the said phone for her studies. On 30.07.2023 at night time, the applicant was repeatedly giving her Whatsapp calls. She did not receive it and blocked his phone number. Thereafter, he gave text messages to the victim in very filthy language. The victim got scared and started crying. Thereafter, she showed the messages to her mother and accordingly, her mother filed the report against the applicant.

6] It appears that the victim is 14 years and 6 months old. The conduct of the applicant prima facie discloses that in spite the victim blocked him, he sent the text messages to the victim in filthy language. It appears further that the investigation is in progress. Considering the conduct of the accused and nature of the offence and he is originally from Nepali Vasti, State of Aasam, at this stage, 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 – 21.08.2023.

(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	- 21.08.2023
Order dictated on	- 21.08.2023
Order transcribed on	- 21.08.2023
Order signed by P.O.	- 21.08.2023
Uploaded on	- 22.08.2023