

ORDER BELOW EXH.1
(Dated 6th day of April 2024)

Umer Juber Sayyad

....Applicant

Vs

State of Maharashtra & Ors.

(Through Wanwadi Police Station)

.... Respondents

1- Vide the present application u/s 439 Cr. P.C. the applicant accused Umer Jubed Sayyad age 22 years sought for regular bail in Cr. No. 226/2024 registered with Wanwadi Police station for the offence punishable under section 354 Indian Penal Code r/w section 12 of POCSO Act.

2- Perused the application and reply.

3- Heard Ld.Counsel Maniyar for the applicant and Ld. APP Agarwal for the State.

4- As per the prosecution the applicant accused attempted to kiss the victim in her house while she was alone on 22.03.2024 around 7.00 p.m. As per prosecution the incident was narrated by the victim girl to her mother informant on 23.03.2024 around 7.00 p.m. and accordingly present crime came to be registered on 23.03.2024 around 11.22 night.

5- According to Ld. Counsel Maniyar for the applicant, the mother of applicant had lodged N.C. for the offences punishable under section 323, 504, 427 Indian Penal Code against the informant and others for the incident dated 23.03.2024 at 6.30 p.m. He further submitted that as a counter blast, the present false FIR is registered.

6- According to Ld. APP, there is delay due to small age of the victim and the accused in neighbourer.

7- As per the N.C., the informant and others allowed some boys to stand in front of their room which was opposite to the room of applicant and on that count the informant and others had abused and assaulted the mother of applicant. The said incident took place on 23.03.2024 at 6.30 p.m. and the N.C was registered in the same night after 00.00 hours.

8- As already seen the present FIR/crime No.226/2024 came to be registered on 23.03.2024 at 23.22. hours and the information was received by the police at 23.08 hours.

9- According to Ld. Counsel Maniyar if the alleged incident took place on 22.03.2024 then there is unexplained delay.

10- Considering the above circumstances and the nature of accusations and the arrest of accused since 23.03.2024, following order is passed.

ORDER

1- Application is allowed.

2- Applicant/accused Umer Juber Sayyad be released on his furnishing PR and Surety bond of Rs. 20,000/-.

3- The applicant/accused shall not attempt to meet or threaten in any mode or manner any of the witnesses.

4- The applicant/accused shall co-operate in the trial by remaining present on each date, or if exemption sought, then by undertaking not to hamper the trial.

Pune
Date : 06.04.2024

(B.P Kshirsagar)
I/c Addl. Sessions Judge, Pune

CNR NO.
MHPU01-005298-2024

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Cri. Bail Application No.1820/2024

CERTIFICATE

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

Court Name : Shri.B. P. Kshirsagar
Addl Sessions Judge, Pune

Name of Steno : Smt.S.V.Hirve

Date of order : 06.04.2024

Order signed by P. O. on : 06.04.2024

Date of PDF & Order uploaded on : 06.04.2024