

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.319/2021 registered with Chaturshingi police station for the offences under Sections 354,354-A of Indian Penal Code and under Sections 7,8,9(n),10 of Protection of Children from Sexual Offences Act. [Hereinafter Indian Penal Code referred to as “IPC” and 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 Ld. APP for the State. Perused application, say filed by the prosecution and police papers.

4] It is argued by Ld. Advocate for the applicant that the victim is 8 years old. There is 8 hours delay in filing report. The applicant is neighbour and her mother is HIV positive and on that account, there were disputes. No incident was taken place and prayed for allowing the application.

5] Ld. APP has submitted that the victim is only 8 years old and the applicant is cousin brother of the victim. Investigation is in progress. Considering nature of allegations, she has requested for

rejection of the bail to the applicant.

6] It indicates from FIR that mother of the victim has lodged report on the same day of the incident. It indicates that when she was in the shop as usual, she received phone call from her sister-in-law at about 2.30 p.m. and she told her to close the shop and come immediately by auto-rickshaw. Therefore, the informant went to home. Her sister-in-law told her that the applicant called the victim at his house and he made her to sit on his lap. He inserted his hand in her clothes and touched inappropriately to her chest and pressed her chest. Then, accordingly, report has been lodged against the applicant.

7] It seems from statement of sister-in-law of the victim that the victim came to her at about 2.30 p.m. on 18.07.2021 and she was crying. The victim disclosed her that the applicant made her to sit on his lap and inserted his hand inside her clothes and moved his hand on her chest and pressed her chest and she ran away. Further, statement of one witnesses discloses that the applicant is the relative of the victim. Thus, prima facie there are serious allegations against the applicant.

8] The victim is only 8 years old. The victim has also in her statement stated specifically the act committed by the applicant with her and she has stated that the applicant is her 'Annu Dada' and her relative i.e. cousin brother.

9] Thus, there is prima facie material against the applicant showing his involvement in commission of serious crime. The applicant is in dominating position and possibility of pressurizing the victim and witnesses cannot be ruled out. Further, it appears that investigation is in progress. Therefore, in the facts and circumstances, it is not just and proper to release the applicant on bail. With this, I proceed to pass the following order:

ORDER

The application is rejected.

Pune.
Date – 07/09/2021.

(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	- 07.09.2021
Order dictated on	- 07.09.2021
Order transcribed on	- 08.09.2021
Order signed by P.O.	- 09.09.2021
Uploaded on	- 09.09.2021