

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. 1051/2022 registered with Hadapsar police station for the offences punishable under Sections 354, 376, 452, 342, 324 of the Indian Penal Code and under Sections 10,12 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. The informant has filed say and resisted this application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and the Charge-sheet.

4] The victim age 16 years has lodged report on 21.08.2022 in respect of the incident dated 20.08.2022. FIR indicates that the applicant used to do the work of garbage. The victim was in the house along with her sister and brother. At around 5.00 p.m. the applicant came in front of the house of the victim and started talks with the victim. He entered in the house of the victim and closed the door from inside. He pushed the victim on the ground. The victim started shouting. The applicant gagged her mouth by pillow and by another hand he was trying to remove her pant. The victim was resisting. The applicant removed her pant and knicker and he also pulled down his

pant and underwear. He took one stick lying there and beat her. He pressed breast of the victim and touched her place of urination. The victim forcefully pushed the applicant away and she was scared and ran out of the house. Her brother was there and she told her brother to call mother. At that time, the applicant wore his clothes and ran away from the house. Her mother came to whom the victim disclosed the incident. Mother took the victim along with her to police station. Police sent the victim for her medical examination and at that place her report was recorded.

5] Medical examination report of the victim discloses that she has narrated the incident to medical officer and specifically she disclosed that when the victim was alone at home, the applicant forcefully entered in the house and he bolted the door from inside and committed sexual assault upon her as stated in her report. Thus, prima facie it reveals that the applicant has committed sexual assault upon the victim. Thus, prima facie there is sufficient material against the applicant in respect of commission of sexual assault on the victim. Nothing discloses prima facie that it was the case of love affair and due to which the victim gave consent for the act of the applicant. Therefore, in such circumstances, considering serious nature of the offence and the alleged act committed by the applicant, it is not just and proper to release the applicant on bail. The victim has also expressed here that if the applicant is released on bail, there is every possibility of pressurizing the victim and witnesses. 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 – 04/11/2022.

(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	- 04.11.2022
Order dictated on	- 04.11.2022
Order transcribed on	- 04.11.2022
Order signed by P.O.	- 05.11.2022
Uploaded on	- 05.11.2022