

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of her arrest in C.R. No.317/2019 registered at Yerwada Police Station for the offence punishable under section 376, 376(2)(n), 323, 506 of the Indian Penal Code and under sections 3,4,7 and 6, 21 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 13 years lodged report stating that on 30.3.2019 victim went to house of sister of first informant, there she went to house of one Seema Gade for seeing television. Son of Seema Gade namely Prasad committed forcible sexual intercourse with victim and report was filed. Counselling was done to victim and thereafter on 28.4.2019, victim told to her mother i.e. first informant that applicant i.e. stepbrother-in-law of first informant committed forcible sexual intercourse with victim since 2015 i.e. since victim was studying in 5th standard. She did not disclose incident to anyone as applicant threatened her, beat her. In February-2018, victim was suffering from tuberculosis and she told that applicant committed forcible sexual intercourse with her for about 15 to 16 times since 2015 till February 2018. Victim narrated about this to sister of accused Rohit i.e. present applicant Pooja, but she told not to disclose to anyone. As per report of police it is alleged that present applicant did not inform about incident to police. Therefore, offence u/s. 21 of POCSO Act is levelled against present applicant.

3] According to applicant she is falsely implicated in this matter.

Investigation is completed and charge-sheet is filed against main accused on 25.6.2019. Present applicant has two small children below 5 years. They are feeding babies. She has no criminal antecedents. There is nobody to look after her family members and children. She is resident of Ghotavi, Tal- Shrigonda, Dist-Ahmednagar and ready to abide the conditions. Hence, she prayed to release her on bail.

4] APP and Investigating Officer submitted say that charge-sheet is filed against main accused and police are going to file supplementary charge-sheet against present applicant. They prayed to pass necessary order.

5] Allegations against the applicant are serious. From statement of victim role attributed to applicant can be gathered. There is allegation of non reporting the incident to police or anyone else by present applicant. Therefore, prima facie offence u/s. 21 of POCSO Act is attracted against applicant, for which punishment is provided is up to 6 months or fine. Considering the fact that already after investigation charge-sheet is filed against main accused, there is change in circumstances. Moreover, considering nature of offence levelled against present applicant, her personal custody is not required. She has small feeding children and there is nobody to look after them. She has no criminal antecedents and resident of Shrigonda, Dist-Ahmednagar. Due to all above reasons application deserves to be allowed with following order -

ORDER

1] The application is allowed.

- 2] The applicant Puja Akash Shinde be released on executing P.R. bond of Rs.15,000/- with one solvent surety in the like amount.
- 3] The applicant shall not tamper the prosecution witnesses and victim in any manner.
- 4] The applicant shall not repeat the offence.
- 5] The applicant shall co-operate investigating machinery as and when required.
- 6] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Sd/-

Pune.
Date – 17.8.2019.

(R.V.Adone)
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	- Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 17.8.2019.
Order signed by P.O.	- 17.8.2019.
Order uploaded on	- 19.8.2019.