

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. 96/2023 registered with Nigadi police station for the offences punishable under Sections 354 of the Indian Penal Code and under Sections 7 and 8 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] It is argued by Ld. Advocate for the applicant that there is delay of two days in lodging of the report. In view of nature of allegations, it is submitted that, he will not enter in the premises till filing of the charge-sheet. There is report regarding alcohol withdrawal symptoms to the applicant. There is no possibility of flee from justice, if released on bail. There is no recovery or discovery from him. The applicant has falsely implicated in this case and prayed for allowing the application.

5] Ld. Spl.P.P. has submitted that, the applicant is 67 years old.

If, the applicant released on bail there is possibility of tampering the evidence. The investigation is incomplete. Hence, prayed for rejection of the application.

6] The FIR indicates that the mother of the victim has lodged report against the applicant on 13.02.2023, who is the Chairman of the society. The victim aged 10 years, when playing with the friends in the society, the applicant went near to the victim and caught hold collar of her shirt and touched her breast and the victim ran away and went to home. The statement of the victim discloses that the applicant who is 67 years old touched her breast.

7] Thus, there are allegations of sexual assault against the applicant. It appears that the applicant is a Chairman of the society, where the victim's family resides. It seems that the investigation is in progress. The applicant is in dominating position. Therefore, if the applicant is released on bail, possibility of pressurizing the witnesses cannot be ruled out. Further, even the applicant is addicted to the alcohol. Therefore, in such facts and circumstances, at this stage of the investigation, it is not just and proper to release the applicant on the 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 – 17/03/2023.

(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	- N.M. Shinde (Steno G-3)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 17.03.2023
Order dictated on	- 17.03.2023
Order transcribed on	- 17.03.2023
Order signed by P.O.	- 18.03.2023
Uploaded on	- 23.03.2023