



ORDER BELOW EXH.01
(Passed on 29/05/2023)

The Applicant/Accused Chandrakant Balu Pote, filed this regular bail application as per Section 439 of the Code of Criminal Procedure. He submitted that, he was arrested on 20/04/2023 in Crime No.216/2023 under Sections 363, 354 of Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Lonikand Police Station and since then he is in M.C.R.

2. The Applicant submitted that, he is innocent and falsely implicated in the case. He further submitted that, he is of 20 years old. Victim-girl is about 15 years old and they are good friends. The parents of victim-girl drove her out of the house and therefore, she went to the house of Applicant. Nothing is required to be seized from the Applicant. Also custodial interrogation of the Applicant is not necessary.

3. On notice, Ld. A.P.P. appeared for Respondent/ Prosecution along-with say dated 17/05/2023. The Prosecution has strongly opposed the bail application. According to the Prosecution, as per the Complainant, she was suspected that somebody has kidnapped her minor daughter and therefore, on her complaint, police registered the offence and thereafter, on 26/03/2023 the victim- daughter of the Complainant after tracing out, gave statement to police that the Applicant tried to

outrage her modesty while she was in his house and also the Applicant scolded her and kissed her on cheek. Prosecution submitted that, the offence is of serious nature and there is possibility of tampering the witnesses and victim.

4. Heard Ld. Counsel for the Applicant/Accused and Ld. A.P.P for the Respondent/Prosecution. I have also perused copies of investigation papers produced by the prosecution. Thereby it shows that, after registering the offence on complaint of mother of victim-girl, police also recorded her supplementary statement. Also police recorded statement of victim-girl under Section 161 of Cr.P.C. and also under Section 164 of Cr.P.C. The victim-girl stated above incident to police. However, in her additional statement dated 13/04/2023, she also stated that her father used to consume liquor and used to shouted her and therefore, because of trouble of her father, she do not want to reside with her parents. The age of victim-girl is appears to be 14 years. The investigation is now appears to be completed. Therefore, there is no necessity of further custody of the Applicant. In such circumstances, the Applicant is entitled for releasing on bail on certain conditions as below. Hence, the following order.

ORDER

1. The Cri.Bail Application No.3132/2023 is allowed.

2. The Applicant/Accused Chandrakant Balu Pote, be released on executing P.R. bond of Rs.20,000/- with one or more sureties in like amount and on following conditions.
3. The Applicant is directed to attend Lonikand Police Station, on every Thursday between 11.00 a.m. to 2.00 p.m., until further orders.
4. The Applicant shall furnish mobile numbers and residential address proofs of himself, two relatives and of sureties along-with bail papers.
5. After releasing on bail, the Applicant shall not made any attempt or shall not try to contact with the Complainant and prosecution witnesses.
6. The Applicant shall not tamper with the prosecution witnesses in any manner.
7. The Applicant shall not leave India without the prior permission of the Court.

Pune.

(G.A. Ramteke)

Date : 29/05/2023

I/c. Special Judge (POCSO Act), Pune.

"I affirm that the contents of this P.D.F file Order are same word for word as per original Order.

Name of the Steno : Smt. K.S. Tambe

Stenographer (Grade I)

Court Name : I/c. Special Judge (POCSO Act), Pune.

Date : 29/05/2023

Order signed by presiding officer on : 29/05/2023

Order uploaded on : 30/05/2023."