



ORDER BELOW EXH.01
(Passed on 25/05/2023)

The Applicant/Accused Ankush Annasaheb Bansode, filed this regular bail application as per Section 439 of the Code of Criminal Procedure. He submitted that, he was arrested on 09/03/2023 in Crime No.150/2023 under Sections 354, 354-A of Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Chandannagar 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 40 years old and he is in jail custody. There is no evidence against him. He is ready to abide by the conditions.

3. On notice, Ld. A.P.P. appeared for Respondent/ Prosecution along-with say dated 12/05/2023. The Prosecution has strongly opposed the bail application. According to the Prosecution, as per the Complainant- who is mother of the minor victim-girl, she went to see her sick father-in-law at Aurangabad by leaving her victim daughter of minor age of 16 years and on 08/04/2023 when above minor daughter was cooking food, her husband/applicant outraged modesty of her above minor daughter by touching hand on her stomach and pressing the breast. The offence is of serious nature and there is possibility of tampering the witnesses and victim.

4. The original Complainant- mother of victim-girl appeared through Ld. Counsel and filed affidavit dated 06/05/2023. She thereby stated that because she did not get proper information on phone call from her sister, she lodged complaint to police by angry mood and misunderstanding. She wanted to withdraw her police case and has no complaint against her husband- Applicant/Accused.

5. 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. The Ld. Counsel for Applicant also relied on citation in *XXX -vs- State of Kerala, 2022 DGLS(Ker.) 947* and I read it carefully. The Ld. A.P.P. argued that the affidavit/say submitted by the original Complainant itself shows that the Accused has tampered the Complainant and also argued that the offence is of serious nature against the Applicant- who is father of victim-girl.

6. However, from the above facts and circumstances of this bail matter, it clearly shows that since the original Complainant do not want to support the prosecution so far as alleged role of the Accused in this matter, the fruits will not bear to the prosecution even also on merit of the case during trial. In such circumstances, the Applicant is entitled for releasing on bail. Hence, the following order.

ORDER

1. The Cri.Bail Application No.2893/2023 is allowed.
2. The Applicant/Accused Ankush Annasaheb Bansode, 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 Chandannagar 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 : 25/05/2023

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 : 25/05/2023

Order signed by presiding officer on : 25/05/2023

Order uploaded on : 26/05/2023.”