

ORDER BELOW Exh. 1 IN SPL.(CHILD) CRI. M. A. No.96/2013.

This application is filed long back under S. 439 of Criminal Procedure Code i.e. on 12.8.2013, soon after the arrest of the accused on 7-8-2013, for the offence punishable under S. 4,6,8,10 of The Protection of Children from Sexual Offences Act, 2012. In the meantime on 30-10-2013 the charge sheet is filed.

2] I have heard learned counsel for the accused and the Special Public Prosecutor for the State.

3] It is submitted that this accused is behind bars since more than 12 weeks but there is no reason to believe that he had committed rape on the victim. At the most, allegation could be for the commission of offence punishable under S. 354 of the IPC and in such cases, when charge sheet is filed, that too long back, it is not proper to detain accused further in the jail. Special Public Prosecutor for the State conceded the submission made by the counsel for the accused, saying that though offence under S. 376 of IPC is stated in the charge sheet, a doubt could be raised about the same. Hence he stated that if on certain conditions bail is granted, the prosecution would have no objection.

4] I myself perused the charge sheet. It cannot be said that accused is falsely implicated but it is under cloud whether there was rape on victim girl or not. In the FIR, there is no whisper of such serious offence, hence as prayed the accused can be released on bail on the condition that there would be no attempt to pressurize the victim or the witnesses. Hence I pass the following order.

ORDER

1] Application is allowed.

2] The applicant/accused Sunil Ganpat Borhade be released on bail, on his furnishing solvent surety of Rs. 50,000/- and

his own bond in the like amount.

3] Applicant/accused shall reside elsewhere out of the jurisdiction of Junnar police station, until further orders.

4] He shall furnish his detailed new residential address and phone number on record.

5] The applicant/accused shall not in any way through himself or anybody else try to contact the victim or prosecution witnesses in any manner.

6] In case of breach of above conditions, his bail shall be cancelled.

Pune,

Dated/- 30-11-2013.

(S. D. Darne)

Special Judge, Pune (Under Protection of
Children from Sexual Offences Act, 2012)

"I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur. Court Name : Shri. S. D. Darne, District Judge, 01, Pune. Judgment Signed by P.O. on : 30-11-13 Judgment uploaded on :- 20-12-13 Date of PDF file : 20-12-13