

S.T. No.91/2016  
State V. Ittusingh & others  
CNR- MHBU04-001040-2016

S.T.No.98/2016  
State V. Ittusingh & others  
CNR- MHBU04-001088-2016

**Common Order below Exh.8 in S.T.No.91/2016 and Exh.49 in S.T. 98/2016**  
(Passed on 17.2.2018 )

1. These are the bail applications moved by the accused No.1 Ittusingh, (involved in S.T.No.91/2016 and 98/2016) who is a prime accused in FIR No. 201/2016 and 202/2016 registered at Hiwarkhed Police Station on 3.11.2011 and 5.11.2016 respectively, for commission of offences punishable under sections 376(2)(f),(i),(n), 109 of the Indian Penal Code and sections 6, 17, 21, of the Protection of Children From Sexual Offences Act, section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and section 75 of Juvenile Justice (Care and Protection) Act, 2015.

2. The applications would indicate that the accused Ittusingh is a permanent inhabitant of village Umra, Tq. Khamgaon, Dist. Buldana. He is visually impaired to the extent of 50% during day time and totally blind during night hours. He has no criminal antecedent. There is an Ashram School at village Pala run by Kokre family. The said Kokre family helps the accused by offering him some petty works for which he gets some remuneration. He has been falsely implicated in the crimes in question. There is no possibility of his fleeing from justice. Hence, the applications.

3. The learned APP strongly opposed the applications by filing say vide Exh.58 & 55 in S.T. No.91/2016 & 98/2016 respectively. It is claimed that

the victims in the crimes in question are the girl children of tender age (10 to 12 years) who are the inmates of 'Ashram Shala' at Pala. The accused who is an employee in the said Ashram Shala, in the night hours committed rape on the victim girls by subjecting them to threat of life and his heinous acts came to light when those victim girls went to their homes in Diwali vacation and narrated the same to their parents. It is claimed that there is plenty of material available on record which demonstrate that the accused committed heinous crime against the poor helpless girl children who are the inmates of said Ashram Shala. The accused being a habitual offender of committing such heinous crime, his releasing on bail would be a serious threat to the society in general. Ultimately, the prosecution would seek rejection of the applications.

4. Heard Mr. Sakhare, the learned counsel for the accused Ittusingh, Mrs. Alsi, the learned APP in S.T. No.91/16 and Ms. Bawaskar the learned APP in S.T.No.98/16. They would make submissions on the lines of the contentions made in the applications and the say filed thereon respectively.

5. It is a fact that the accused Ittusingh apart from S.T. No.91/16 and 98/16 is also involved in S.T.No.90/16 which is resulted out of FIR No.203/16 registered at Hiwarkhed Police Station, on 9.11.2016 for the offences punishable under sections 354, 354-A of IPC, section 12 & 21 of the POCSO Act and section 75 of the said Juvenile Justice Act. The victim in the said Crime No.203/16 is also a girl child, aged about 12 years, who was also an inmate in the said Ashram Shala.

6. From the perusal of the charge-sheet in S.T.No.91/16, it appears that the accused Ittusingh was arrested on 3.11.2016 and since then he is under

detention. There are in all 18 accused persons each involved in S.T.No.91/16 and 98/16 and except the accused Ittusingh, the others are enlarged on bail.

7. Considering the allegations in the respective charge-sheets, the material available in the records, it cannot be prima facie said that the accused is not involved in the commission of the offences in question and there is possibility of his false implication. The acts complained of are really disturbing the conscience of the public in general. Thus, taking into consideration the nature of the offences and the modus operandi of the accused in commission thereof, the punishment provided for the offence of rape and the offence punishable u/s 6 of the POCSO Act, I do not find that the accused has made out a case for enlarging him on bail. The applications would therefore, fail. Hence, I proceed to pass following order :-

**ORDER**

1. Bail application Exh.8 in S.T. No.91/16 and Exh. 49 in S.T. No. 98/16 are rejected.
2. The original order shall a part of S.T.No.91/2016 and its authenticate copy a part of S.T. No.98/2016.

Sd/-

(V.M.Pathade)  
Ad hoc Addl.Sessions Judge,  
Khamgaon.

Dt.17/2/2018

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

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.  
Name of Court : Ad hoc Additional Sessions Judge, Khamgaon, Dist.Buldana.  
Ready on : 17.2.2018  
Upload date : 20.2.2018

