

Order below Exh.4
in
Spl. (POCSO) Case No.47 of 2023
State of Mah. (Thr. P.S. Bhisi CR.No.170/23)
Vs.
Kshitij Ghanshyam Ramteke
(Passed on 05th October, 2023)

01] This application has been filed for regular bail by the accused who is alleged to have committed offences punishable under sections 354, 354(A) & 451 of the Indian Penal Code r/w section 8 & 10 of the Protection of Children from Sexual Offences Act, 2012.

02] The accused has been arrested on 26.07.2023 and is in Magistrate custody. He has been falsely implicated. The actual fact is that Arvind Ramdas Ramteke the uncle of the accused R/o Bhisi had prepared a group of persons for contributing for a common cause. Each member was to contribute Rs.500/- per year. Accordingly for 03 years the total amount that was contributed by each person was Rs.1,500/-. In the year 2023 at the time of festival of Holi all the members were called and told to deposit Rs.500/- each by Arvind Ramteke. The informant Vina Rangari and her mother-in-law namely Kalabai were the members of the group and Kalabai had deposited Rs.1,500/-. The other members of the group did not deposit any amount and so the scheme was disclosed and the collected amount was returned to each member. Rs.500/- were to be given to Kalabai by the group. There were strained relations between Arvind and Kalabai from the time of Holi festival regarding

the amount. When the accused went to give Rs.20/- belonging to Vina at their house at that time Kalabai said to him as to when he is going to pay her money and argued with him and said that she would falsely implicate him in a criminal case and accordingly accused has been falsely implicated. He is in jail since 26.07.2023. He is 18 years old. His mother is suffering from cancer and father is paralyzed. There is no one to look after his parents. The accused has no concern with the alleged offence. He is ready to face the trial. Chargesheet has been filed and so there is no reason for keeping the accused in jail. So the bail application be allowed.

03] The prosecution vide say at Exh.5 has objected the bail application on the grounds that, there is danger to the life of the victim and her family if the accused is released on bail. There is every possibility that the accused will abscond and the trial will be prolonged. The accused will threaten the witnesses. Hence, the bail application be rejected.

04] The victim has objected the bail application vide say at Exh.6 on the grounds that, there is danger to her life and the life of her family members. Hence the bail application be rejected.

05] The Ld. Advocate for the accused has argued that, there is variation regarding the alleged act between the statements of the prosecution witnesses. Previous bail application was rejected on the grounds that accused will threaten the witnesses. All the alleged offences are not punishable for more than 07 years of imprisonment. Keeping the accused in jail will bring him in contact with hard core

criminals. It will take a long time to proceed with the trial. No purpose will be served by keeping the accused in jail. There is delay in lodging of the FIR and so the complaint is after thought. So the bail application be allowed.

06] The Ld. APP for the State has argued that, previous bail application has been rejected but the same is not mentioned in the application. So the applicant is suppressing material facts. There is every possibility that the accused will take revenge and threaten the prosecution witnesses. Hence, the bail application be rejected.

07] Perusing the rival contentions and the documents on record, it can be seen that, the contention of the Ld. APP for the State that nothing is mentioned about the previous bail application been rejected is accepted, but later on pursis at Exh.7 has been filed along with previous bail order. So this contention of the prosecution is suffice. Perusing the prosecution story it can be seen that the allegations against this accused are that, when the victim was in the kitchen he went inside the house and caught her from behind and pressed her breast. Perused the previous order dated 10.08.2023 passed by this Court. The previous bail application was rejected on the grounds that the investigation is not yet complete and the chargesheet is not filed. Now there is change in circumstance that chargesheet has been filed. So the question of tampering with prosecution evidence does not arise. The only contention of the prosecution is that there will be danger to the life of the victim and her family. This contention can be sufficed by imposing strict conditions. Rejecting the application on this ground will not be

justifiable because it will take a long time commencement of the trial and the accused has no criminal antecedents. So this application deserves to be allowed by imposing strict conditions. Hence, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) The accused be released on bail in the sum of Rs.25,000/- upon furnishing P. R. and S.B. in the like amount.
- 3) The accused shall not hamper the investigation and tamper with prosecution evidence in any manner.
- 4) The accused shall not in any way establish any contact with the victim or her parents in any manner either on telephone or actual contact or by any other mode.
- 5) The accused shall furnish his permanent address proof and mobile number.

Warora.
Dt. 05.10.2023

(P. P. Abhang)
Addl. Sessions Judge,
Warora.