

**Spl. POCSO C.No.66/2020
State -v- Atul Ashok Alam**

ORDER below Exh.12
(Passed on 21.10.2024)

1] This is an application filed by accused seeking his release on bail in Spl. POCSO Case No. 66/2020 arising out of Crime No.176/2020 for the offences punishable u/Sec. 376, 376(3), 376(2)(n), 452, 342, 506 of the Indian Penal Code, 1860 r/w Sec. 4, 5(j)(ii), 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 Act (for short 'POCSO') registered at Armori Police Station of Gadchiroli district.

2] According to the prosecution, in March 2020 the health of victim was in bad condition and therefore, on 02.03.2020 she was admitted in Government Hospital, Gadchiroli, where she found seven months pregnant and hence, she was referred to Child & Women Hospital, Gadchiroli for further treatment. When she was asked by her mother in the hospital about her condition, she did not say anything even till her discharged on 09.03.2020 from the hospital. Thereafter, she was referred to Observation Home at Ghot. On 11.03.2020 again her health condition was spoiled due to bleeding and therefore, she was admitted in Child & Women Hospital, Gadchiroli. Her mother asked about her condition. The victim narrated that on 07.01.2020 at about 2:30 hours applicant came at her house when no one was present, applicant/accused by closing the door, removing her knicker and his pant committed forceful sexual intercourse. The applicant threatened her not to disclose the

matter otherwise, he will kill her. Since then, he frequently committed sexual intercourse by threatening to kill. Accordingly she lodged the report to Police Station. Accordingly, crime was registered against the accused and thereafter the charge-sheet is filed in the Court.

3] The learned advocate appearing on behalf of the applicant/accused submitted that he is innocent person and falsely implicated in this crime. He has not committed any crime. The mother of the victim intentionally lodged the FIR against the applicant and on the basis of this false FIR, applicant is arrested on 02.07.2020 and since then, he is in jail.

4] The learned advocate further submitted that there is love affair between the victim and applicant and because of this, the mother of the victim lodged this complaint.

5] The learned advocate further submitted that investigation is submitted and charge-sheet is filed. Nothing is left remained for recovery or discovery. Already all the articles are seized and medical examination is also conducted. Under such circumstances, there is no need to keep the applicant behind the bar.

6] The learned advocate further submitted that considering the long standing arrest and tenure undergo behind the bar, he prayed to allow the application. The applicant is a permanent resident of abovesaid address. He is only the bread earning member of his family. There are least chances to flee away. Applicant is ready to avoid each and every conditions imposed by this Hon'ble Court and hence, prayed to release him on bail.

7] The learned APP by filing his say at Exh.14 submitted that applicant is directly involved in the offence. Applicant committed the act by giving lout and by threatening the victim. The act is of such a nature that life of victim is miserable. The victim is a minor girl. The statements of the witnesses categorically pointed out towards the commission of the offence and prima facie it seems that applicant is the only person, who has committed the crime.

8] The learned APP further submitted that the victim is residing at the house of accused and hence, accused is taking undue advantage of her loneliness. He used to come to the house of victim and committed the crime repeatedly.

9] The learned APP further submitted that considering the nature of offence, the way of committing the offence he prayed to reject the application.

10] The victim appears and filed her say vide Exh.13. She submitted that she has no grudge against the applicant/accused. She submitted that she has no objection to release the accused on bail. The applicant/accused is her neighbour and she requested to release him on bail.

11] Heard both the sides at length and also gone through the say filed by the victim.

12] The record shows that the applicant is arrested on 02.07.2020 and since then, he is in jail. The charge-sheet is filed, it means investigation is completed. The statements of the victim and other witnesses are already recorded. On the perusal of say of victim, she categorically stated that she has no objection to release the accused on bail. Moreover, sufficient time is already passed when accused is in jail. No purpose will be served to

detain the accused behind the bar. Considering the above facts and circumstances, I pass the following order.

ORDER

- 1] The application Exh. 12 in Spl. POCSO Case No. 66/2020 is allowed.
- 2] The applicant/accused Atul Ashok Alam, be released on bail on furnishing P.B. and S.B. of Rs.25,000/- with one or more sureties in the like amount, in C.R. No.176/2020 registered at Police Station, Armori, Tah. Armori, Dist. Gadchiroli for the offence punishable under Sections 376, 376(3), 376(2)(n), 452, 342, 506 of I.P.C. r/w. Sections 4, 5(j)(ii), 8 & 12 of POCSO Act.
- 3] He shall not tamper the evidence of prosecution and shall not give threat to the prosecution witnesses.
- 4] Bail before the concerned Court.

Date : 21.10.2024

(Prashant R. Sitre)
Additional Sessions Judge,
Gadchiroli