

**IN THE COURT OF DISTRICT JUDGE-2, & ASJ, GONDIA.**

**SPECIAL (POCSO) CASE NO. 38/2020.**

**(CNR NO.MHGO01000361-2020)**

**State, PSO, Gondia Rula -Vs- Ramprasad**

**ORDER BELOW EXH. 12.**

**(Passed on this 15<sup>th</sup> day of September, 2022)**

1] This is an application filed by applicant/accused for grant of temporary bail from today i.e. 15/09/2022 to 28/09/2022 for attending funeral and other last religious rights of his deceased father. The applicant is facing charge under Sec. 4 & 6 of POCSO Act and Sec. 376AB of I.P.C. of having committed rape on 2 minor girls aged 7 & 8 years respectively. His bail application has been rejected twice.

2] The learned advocate Shri Shyamkuwar submits that father of accused i.e. Ramprasad Mohanlal Harinkhede died on 14/09/2022 at Fulchur, Gondia. In support thereof he has produced on record death certificate issued by Sarpanch, Gram Panchayat, Fulchur as well as police patil, Fulchur. He submits that for attending the last rights the applicant may be released on temporary bail from today till 28/09/2022 for attending funeral which is going to take place today and 13<sup>th</sup> day ceremony which is scheduled to take place on 28/09/2022.

3] Learned APP Shri Pardhi submits that the alleged offence against the accused is serious. He is alleged of having committed rape on two minor girls of 7 & 8 years respectively.

His bail application has been rejected twice. There are every chances of his absconding even if released on temporary bail. He has prayed for rejection of application.

4] Considering the nature and gravity of offence the bail application of the applicant came to be rejected twice. Under such circumstances, there is strong possibility of applicant absconding in case he is granted temporary bail as prayed for. I am of the opinion that, considering the facts and circumstances of the case, the applicant cannot be released on temporary bail.

5] However, performance of last rights are essential in Hindu religion. On humanitarian grounds the applicant can be allowed to escort under the police custody for performance of last rights of lighting the fire and for 13<sup>th</sup> day ceremony which are essential. The learned advocate for the applicant submits that the applicant is only earning member and he is unable to pay the necessary charges. His father is also expired. Considering the said submission the accused can be allowed to be escorted on State expenses.

6] Learned advocate for the applicant submits that the last rights is scheduled to take place today i.e. 15/09/2022 in the evening and has requested for allowing the applicant to visit his house and the site of last rights today and on 28<sup>th</sup> September 2022 for 13<sup>th</sup> day ceremony. He further submits that in order to enable him to remain present for the last rights, the copy of this

order be sent by E-mail to the Superintendent of Prison, Bhandara so that the process is expedited.

7] The above submissions are reasonable. Hence, I pass following order.

**ORDER**

- 1] Prayer for temporary bail is rejected.
- 2] Superintendent of Prison, Bhandara is directed to sent the accused **Ramprasad Mohanlal Harinkhede** to his resident at Gondia and the place of last rights under escort at the State expenses today i.e. **15/09/2022** itself and bring him back to the prison after the last rights.
- 3] Superintendent of Prison, Bhandara is further directed to sent the accused **Ramprasad Mohanlal Harinkhede** to his place of resident at Gondia on **28/09/2022** from **10.00 a.m. to 6.00 p.m.** under escort at the State expenses and take him back to the prison.
- 4] Copy of this order be sent immediately to Superintendent of Prison, Bhandara by E.mail for its execution.
- 5] The superintendent of Prison, Bhandara shall act on copy sent by E-mail from E-mail ID of this Court.

Gondia.  
Dated: 15.09.2022.

Sd/-\*  
(Adil M. Khan)  
District Judge-1 & ASJ,  
**Gondia.**