

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SPECIAL (POCSO) Case No. 54/2021.

(CNR NO.MHGO01000496-2021)

State, PSO, Gondia Rural -Vs- Tejas Chandrikapure

ORDER BELOW EXH. 13.

(Passed on this 07th day of October, 2022)

This is second bail application filed by applicant/accused **Tejas Yogesh Chandrikapure** u/s 439 of Cr.P.C. The applicant/accused has been arrested on 03/04/2021 by Police Station, Gondia Rural in Crime No. 112/2021 for alleged offence punishable under Sec. 376(2) (n), 376(3) of IPC and Sec.4, 5 & 6 of POCSO Act. Charge-sheet has been filed. The first bail application Exh.9 came to be rejected by order dated 22/06/2021.

2] Brief facts of the prosecution case is as under:

That, the accused and the victim got acquainted in November 2020. At that time her age was 15 years. Accused took the mobile number of the victim and started calling her and promise to marry her. On 16/01/2021 when the victim was alone in the house, accused asked her to meet him near the post-office. He took the victim to a canal of Sanjay Nagar on his motorcycle and on the promise of marriage committed sexual intercourse. He repeated the said act on 28/01/2021. The victim conceived and thereafter lodged the F.I.R.

3] Learned Advocate for the applicant submits that the accused is behind bar more than one and half year and trial has not begin. The conclusion of trial would some time. This is the change of circumstances that despite lapse of more than one and half year of rejection of bail application. The trial is yet to commence. He further submits that the victim and her mother has given no objection for granting of bail. He has prayed for allowing the application.

4] I.O. has filed reply at Exh. 14 and opposed the application on the ground that the victim is a minor. The applicant may threaten or influence the witness. He may commit other offences. He has prayed for rejection of the application.

5] Ld. APP Shri. Chute has filed say and opposed the application on the ground that the victim has delivered a male child on 27/10/2021. Prima facie evidence is against the applicant. He may threaten or influence the witness. He has prayed for rejection of the application.

6] Victim and her mother have filed their say at Exh.16 & 17 and have given no objection for releasing on bail.

7] The earlier bail application Exh.9 came to be rejected by order dated 22/06/2021. Morethan 14 months have elapsed thereafter. The charge is yet to be framed. The

trial is yet to begin. The conclusion of trial would take some time. The victim and her mother have given no objection. Under such circumstances, there is a valid ground in the changed circumstances to grant bail. Hence, I pass the following order.

ORDER

- 1] Application [Exh.13] is allowed.
- 2] The applicant/accused **Tejas Yogesh Chandrikapure** be released on his executing PR bond of Rs.25,000/- and furnish one surety of Rs.15,000/- on the following conditions;
 - i] The applicant shall not threaten or influence the witnesses.
 - ii] The applicant shall attend the trial regularly.
- 3] Application is disposed of.

Gondia.
Dated: 07.10.2022.

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