



**IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION OF
CHILDREN FROM SEXUAL OFFENCES ACT, 2012 BORIVALI
DIVISION, DINDOSHI, MUMBAI.**

BAIL APPLICATION EXHIBIT - 8

IN

REMAND APPLICATION 518 OF 2022

(CNR NO.: MHCC05-006961-2022)

Rushi Pappu Singh @

Rishi Pappu Singh

Age: 20 yrs,

R/at. Room No. 2 /B wing,

Gaikwad nagar, Mhada,

Gate no 8, Malvani,

Malad, Mumbai west

...Applicant/Accused

V/s.

The State of Maharashtra,

(At the instance of Malvani

Police Station vide C.R.No.1402/22)

...Respondent/State.

Appearance:-

Shri. Aasif Patel, Advocate for the applicant/Accused.

Shri. Ambekar, APP for the State/respondent.

CORAM : HER HONOUR ADDL. SESSIONS JUDGE

SMT.S.M.TAKALIKAR, (C.R.NO.12)

DATE : 31.01.2023

ORDER

Present application is filed by the accused/applicant for release on regular bail under Section 439 of Code of Criminal Procedure

in connection with C.R.No. 1402 of 2022 registered at Malvani Police Station for offences punishable under Sections 354, 363, 366, 376 of IPC and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

Facts in short of prosecution case is as follows:

2. Complainant is the father of the victim. On 30/12/2022 he lodged complaint of kidnapping of the victim against unknown persons. Thereafter investigation was carried. On the very same, the victim was found. She was brought to the police station. Victim stated that accused committed forceful sexual intercourse with her house when she was in the house of her friend. She also stated that accused rotated his hand on her chest, kissed her for many times. On the basis of said averments Section 366, 376(n), 354 of the Indian penal code and Section 4, 8, 12 of the POCSO act came to be added against the accused.

3. Applicant in his application stated that he is innocent has been falsely implicated. He has not committed any offence. Relationship was love relationship. Investigation has been completed. Victim is 17 years old. Both wanted to marry with each other. Victim left the house on her own will. There was no any force used by the accused. Accused applicant is permanent resident of Mumbai, has no criminal antecedents. He will obey all the terms and conditions that will be imposed on him. Hence prayed that application be allowed.

4. Prosecution has filed say below Exhibit-9 stating that there are chances of pressurizing the victim and witnesses. There are chances of pressurizing the relatives of the victim, chances of creating obstruction in investigation. Hence, prayed the application be rejected.

5. Complainant has filed say stating that he has no objection to release the accused on bail. He lodged complaint on misunderstanding, miscommunication.

6. Ld. advocate for the accused submitted that relationship was love relationship. There was dispute between the accused and mother of the victim. Victim is 17 years and two months old. Accused is hardly 20 years old. Victim in the house of accused for 5 to 6 months. There was no any complaint lodged by the victim. He further submitted that accused is permanent resident of Mumbai, has no criminal antecedents. Hence prayed that application be allowed.

7. Ld. APP submitted that investigation is not completed. There are chances of tampering the witness and absconding. Hence prayed that application be rejected.

8. Perused application, say filed. Also perused FIR and say filed by the complainant.

9. Upon perusal of the FIR, victim on inquiry stated that there was friendship between her and accused. Thereafter their friendship turned into a love affair. Accused was ready to marry with her. They were in contact with each other. But her mother did not like their relationship. Her mother sent her to the house of her maternal aunt. There also accused was visiting the victim. Accused committed sexual intercourse with her, kissed her, and on one day mother of the victim caught them. She got angry on the victim. She went to her house.

10. Upon perusal of the complaint and information given by

the victim to her father, it appears that there was friendship between the victim and accused, their friendship turned into a love affair. Since October 2022, they were in relationship. No any complaint is lodged during that period. The complaint itself shows that there was love relationship. Victim resided with the accused for 4 to 5 months. Victim is of the age of understanding. She knows the act and consequences of her act. Nowhere she stated that accused used force on her. Accused is 20 years old. Taking into consideration, say filed by the complainant, allegations made in the FIR and age of the victim and accused, relationship between them and the fact that investigation is at verge of completion, in my opinion, no purpose would serve by keeping the accused in jail. Further, the apprehension of investigating officer can be taken care of by imposing stringent conditions upon the accused. Hence, his application deserves to be allowed and I was following order.

:ORDER:

1. Bail Application (Exh.08) is hereby allowed.
2. Applicant/accused, **Rushi Pappu Singh @ Rishi Pappu Singh**, is enlarged on bail on his executing PR bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one or two solvent sureties in like amount in C.R.No. 1402 of 2022 registered at **Malvani** Police Station for offences punishable under Sections 354, 363, 366, 376 of IPC and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, subject to following conditions;
 - a. He shall report to **Malvani** Police Station on any Friday of every month in between 5.30 a.m. to 7.30 p.m. till completion of trial.
 - b. He shall not leave India without permission of the Court till completion of trial.
 - c. He shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the

case. He shall not threaten, pressurize or contact the victim in any way.

d. He shall furnish his mobile number to the investigation officer and shall not change or discontinue his mobile number provided to the investigation officer till conclusion of trial.

e. He shall not commit any offence again and maintain the peace in society.

f. The near relatives of the applicant to execute affidavit-cum-undertaking with identity, before the I.O. of concerned Pl.Stn. stating that he will take care of applicant, shall quarantine him in the house for 14 days after his release, the applicant will obey all conditions imposed in bail order of this Court.

g. The jail authority is directed to get the medical test of he applicant be done and be released him with the report only if he is not suspected of N-COVID 19. Otherwise he should not be released.

h. On violation of any above conditions, bail shall stand cancelled without intimation.

3. Application (Exh.08) stands disposed of accordingly.

(S. M. TAKALIKAR)
Special Judge, under the POCSO Act
Borivali (Div), Dindoshi,
Goregaon, Mumbai.

Date : 31.01.2023

Dictated on : 31.01.2023
Transcribed on : 31.01.2023
Date of sign : 06.02.2023

**CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER”**

06.02.2023, 5.30 pm
UPLOAD DATE AND TIME

Mrs. Revati V. Kadam
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Smt. S. M. TAKALIKAR ,(C.R.No.12) Addl. Judge.,City Civil & Sessions Court, Dindoshi
Date of pronouncement of /Order	31.01.2023
Order signed by P.O. on	06.02.2023
order uploaded on	06.02.2023