

MHKO010032032019



Order below Exh 2 in Spl POCSO Case No 67 of 2019

1. This is an application under section 439 of Cr.P.C. for bail in connection with C.R.No 337 of 2019 registered with Shahupuri police station for the offences punishable under sections 363, 376, 377 of the Indian Penal Code and sections 4, 8 and 12 of POCSO Act.

2. Brief facts of the prosecution case are as under :

The victim is 14 years old daughter of the informant. Informant is residing with her mother, brother and her children. On 02/06/2019 at about 09.00 am, informant went for work alongwith her mother and brother. Her children were at home. They returned from work at 10.00 pm, at that time victim was not at the home. When informant inquired with her mother, her mother informed her that when she returned home at 09.00 pm, victim was not at the home. Informant inquired with her children. Her another daughter informed that she had seen accused while taking the victim with him in the auto. Informant took search of victim in the vicinity and at village. As victim is not found she lodged complaint of kidnapping against unknown person. During inquiry of said victim and accused, accused surrender before police on 05/06/2019. On inquiry with victim she informed that accused took her with him by saying that her grandmother

and maternal uncle giving trouble to her, he will take her care. Accused also kept physical relationship with her.

3. The applicant/accused filed present bail application on the ground that he has falsely implicated in the present case. The accused and the victim having love affair since last 3 years. The informant is also aware of the said fact. The victim and informant are residing at the house of her maternal uncle on his mercy. The victim girl was compelled to do household work without any rest. Therefore, she fed up with behaviour of her paternal uncle. The victim herself left the house and she insisted the accused to perform marriage with her. Applicant/accused convinced her that she is minor and he is also having family responsibilities. When the applicant came to know about lodging of FIR he himself brought the victim at police station. As the charge sheet is filed nothing is to be recovered from applicant. He is ready to abide conditions imposed by the court. Hence, prayed for release him on bail.

4. Heard both the sides. APP argued that victim is 14 years old and for 3 months she stayed with accused. In spite having knowledge that victim is minor accused kept physical relations with her. If accused released on bail. He may threaten the witnesses and tamper with evidence. Hence, prayed to reject the application.

5. After perusal of investigation papers, it is revealed that in the present case charge sheet is already filed. Hence, nothing is to be recover from the accused. Considering the said

fact and considering the fact that it will take time to conclude the trial. Hence, by putting conditions applicant/accused is entitled to release on bail. Hence, I proceed to pass the following order.

ORDER

1. Bail application (Ex.1) is hereby allowed.
2. The applicant/accused be released on bail in C.R. No. 337/2019 lodged with Shahupuri Police Station on his executing P.R. & S.B. of Rs. 30,000/- with one local surety of like amount, on following conditions:-
 - a) He shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses.
 - b) He shall attend attend police station to facilitate police as when called by police till filing the charge-sheet.
 - c) He shall provide his permanent residential address before Investigating Officer.
 - d) He shall not leave the jurisdiction of Kolhapur district without prior permission of the court.
 - e) He is also directed to attend the court on the given dates without fail.
 - f) Violation of any condition, his bail shall automatically stands canceled.

'Pronounced in open Court '

Date: 18/09/2019

(Smt. S.R.Patil)
Addl.Sessions Judge-2,Kolhapur.

I affirm that the contents of this P.D.F. File Judgment/Order are same,word to word, as per the original Judgment/Order.

Name of the Stenographer	Sau. S.S. Gosavi
Name of Court	Addl. Sessions Judge-2 Kolhapur.
Date of Dictation	18/09/2019
Order signed by the P.O. on	18/09/2019
Order uploaded on	18/09/2019