

ORDER BELOW EXHIBIT-6 IN SPL.C.NO.56 OF 2024

This is an application under Section 439 of Cr.PC.

02- The applicant/accused is in magisterial custody in connection with crime bearing No.129/2024 registered at Gramin police station Nanded. The said crime came to be registered on the basis of report filed by the father of the victim wherein he alleged that the victim had gone to attend the call in the night and at that time, the accused whose house is near to the house of the informant, came from the backside of the victim. He further alleged in the report that the accused encircled the waist of the victim with his hand and pulled her. The victim shouted. As the victim shouted, the accused ran away from there. The victim returned home and told about the incident to the informant and other persons in the house. The informant was going to the house of the accused to ask him as to why he behaved like this. It is alleged that at that time, the accused came there with a knife and assaulted the informant with the knife due to which the informant sustained injuries on his ear and cheeks. Thereafter the informant went to the police station and filed a report. As said, on the basis of this report, the above said crime came to be registered against the accused.

03- The informant was referred for medical examination. The medical examination of the informant was done. The victim was also sent for medical examination. Police

prepared the panchnama of the place of incident and recorded the statement of the witnesses. The accused came to be arrested on 17.02.2024 and was produced before the Court. Since then he is in MCR.

04- By this application, the applicant/accused contended that he has not committed any offence and is an innocent person. It is further contended that he is falsely involved in the present case due to local dispute. The accused has not done any acts as alleged but only due to rivalry between the family of the accused and the family of the victim, a false report is filed against him. Apart from this, it is contended that the investigation is completed and the charge sheet is filed. The accused is the Karta of the family. He is ready to abide the conditions, if any. There are no chances that the accused would flee from justice. On these and other grounds mentioned in the application, the applicant/accused prayed for releasing him on bail.

05- The prosecution filed say at Exh.8 and contended that there is a strong prima facie case against the accused. It is further contended that the victim is just 13 years of age and considering the acts alleged to have been done by the accused, the applicant/accused is not entitled for bail. It is further contended by the prosecution that there is every possibility that the accused may repeat the offence if released on bail and therefore, on these and other grounds mentioned in the say, the prosecution contended that the application is liable to be

rejected.

06- Notice was issued to the informant, but the informant did not appear.

07- Heard the accused and the learned SPP. Gone through the material collected during the course of investigation. Prima facie it appears that the informant has sustained injuries which is clear from the injury certificate filed on record. The accused alleged to have committed the offence under the POCSO Act and under Section 324 of the Indian Penal Code. On perusal of the statements recorded, there appear to be little variance in the statements recorded during the course of investigation. Further on perusal of the history narrated by the victim, it appears that she had also sustained injuries. However, no such injuries were found on the person when she was medical examined. The offences alleged to have been committed by the accused are not punishable with death or imprisonment for life. The age of the accused is just 19 years. He is in jail since last more than about three months. The hearing of the accused would take time. The investigation is completed and the charge sheet is filed. It does not appear that the accused would flee from justice if released on bail. Considering these aspects of the matter and considering the acts alleged to have been done by the accused, I find that the accused is entitled for bail as prayed.

08- However, considering the acts alleged to have been done by the accused which prima facie find support from the medical certificate, I find that stringent condition should be imposed on the accused while releasing him on bail. Though the charge sheet is filed, I find it proper to direct the accused to attend the police station for some period after his release on bail. Considering these aspects, I hold that the applicant/ accused is entitled for bail and hence, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) The accused Aakash s/o Anandrao Kadam be released on executing a P.R. bond of Rs.20,000/- with one solvent surety of like amount and on condition that ;
 - i) He shall attend Gramin police station Nanded on every Sunday between 10.00 a.m. to 12.00 noon for three months from today.
 - ii) He shall not make any contact with the victim or her family in any way.
 - iii) He shall not tamper with the evidence of the prosecution.
 - iv) He shall not pressurize the witnesses in any way.

Date : 13.05.2024

(Ravindra M. Pande)
Extra DJ-1 & A.S.J. Nanded.

Certificate

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

Name of Stenographer	:	R.A. Inamdar
Court name	:	Ext. DJ-1 & A.S.J. Nanded.
Date	:	13.05.2024
Judgment signed by		
Presiding Officer on	:	14.05.2024
Judgment uploaded on	:	14.05.2024