

Order below Exh.4 in Sessions Case No. 13/2020.

- 1) This is an application filed by applicant-accused Sudam Bhikaji Sonawane for grant of regular bail u/s. 439 of Cr.P.C.
- 2) I have heard the ld. counsel for applicant and ld. APP and also gone through the charge-sheet.
- 3) Brief facts giving rise to this application are such that, applicant is charge-sheeted before this Court for the offences punishable u/s. 363, 376(2) (i), 376-A, 376-B and 354 of IPC and u/s. 4, 8 and 12 of POCSO Act. As per FIR, the victim is a girl aged about 4 years. Her father i.e. complainant had received contract of lighting at village Naitale and therefore, he used to reside there along-with his family including victim. On 14.01.2020 at about 9.00 pm, the victim's brother and sister informed to the complainant that someone has taken the victim along-with him. Hence, complainant took her search and while taking search, applicant was found taking the victim by holding her hands. His behaviour was suspicious and his hands and clothes were stained with blood. Hence, complainant had suspicion that applicant might have committed rape on his daughter. Hence, complainant brought applicant at police out-post. The inner-wear of victim were also stained with blood and it was revealed that blood was oozing out of her private part. Hence, persons gathered there, assaulted applicant and brought him to Police Station, Niphad. On the basis of the prima facie circumstances, above said offences came to be registered against applicant.
- 4) It is the contention of applicant that though the offence is serious, circumstances mentioned in the FIR are suspicious. The applicant was arrested on the very day of incident and since then, he is behind the bar. The investigation is over and charge-sheet has been filed. Hence, no purpose would be served by keeping him in jail custody. He has a wife and children as well as old aged parents who are dependent on him. He is ready to abide all terms and conditions.
- 5) The prosecution has opposed the application on the ground that there is ample evidence against the applicant. Applicant was found taking the

victim with him immediately after the incident. His hands and clothes were also found stained with blood. He has also revealed the spot where he has committed rape on the victim. The medical report of the victim also shows recent sexual intercourse with her. Moreover, DNA report of the samples of victim and applicant revealed that applicant has committed rape on victim. The offences are very serious and therefore, there is likelihood of tampering with evidence by pressurizing the witnesses, if applicant is released on bail.

6) Certainly, the offences are very serious. The victim is aged about 4 to 5 years. Applicant himself has submitted that he is a married person and inspite of that it appears that he has committed such heinous offence. The Id. counsel for applicant could not show any specific reason for false implication of applicant and the FIR revealed that applicant is unknown to the complainant. The medical report as well as DNA report strongly supports the case of prosecution. The offence is punishable upto life imprisonment. Moreover, offences under POCSO Act are registered, due to which, it becomes necessary to record evidence of the victim at the earliest. Due to pandemic situation of COVID 19, though it is not possible to record evidence of victim and complainant at the earlies, there is likelihood that in near future, trial would be concluded. Release of the applicant at this stage may create hurdle in early recording evidence of the victim and complainant. Hence, following order.

Order

1/- The application stands rejected.

Niphad.
04.08.2020.

(R. G. Waghmare),
Additional Sessions Judge,
Niphad.