

ORDER BELOW EXH.6

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] Applicant filed this application to release him on interim bail in wake of COVID-19 and as per directions of Hon'ble High Power Committee.

3] APP objected application on the ground that offences levelled against applicant are heinous offences as offence p/u/s. 376, of Indian Penal Code and S. 3 & 4 of Protection of Children from Sexual Offences Act are levelled against him. Therefore, guidelines of Hon'ble High Power Committee are not applicable to this application and she prayed to reject the application.

4] At present, charge-sheet is filed against accused for offence p/u/s. 354A, 376 of Indian Penal Code, S. 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act. It is alleged that applicant/accused committed penetrative sexual assault on victim aged about 5 years 10 months under pretext of giving her fruit namely guava. As per directions of Hon'ble High Power Committee, all under trial prisons booked/charged for such offences for which maximum sentence is above 7 years shall be favourably considered for release on interim bail (except those failing the categories enumerated below) on personal bond of such amount as may be determined for period of 45 days or till such time the State Government withdraws notification

under Epidemic Act, 1987 whichever is earlier. The exception made shall apply to the following category of offences i.e. S. 121 to 130, 303, 364-A, 366, 366(A), 366(B), 367 to 373, 376, 376A, C, D, E, 396, 489A, B, D of Indian Penal Code, Bank frauds and major financial scams, Special Act viz., MCOB, TADA, POTA, UAPA, PMLA, Explosives Substances Act, Anti Hijacking Act, NDPS (Other than personal consumption), MPID, POCSO, Foreigners in Prison.

5] In view of above guidelines, offences under Special Act including POCSO Act and offence p/u/s. 376 of Indian Penal Code are exempted and exception is given to above mentioned offences. In such circumstances, guidelines and directions of Hon'ble High Power Committee are not applicable to the present application as offences against applicant are offences p/u/s. 376 of Indian Penal Code and S. 4, 8 of Protection of Children from Sexual Offences Act. Hence, in view of above reasons and guidelines, application deserves to be rejected and following order is passed.

ORDER

The application is rejected.

Sd/-

Pune.
Date – 26.5.2020.

(R.V.Adone)
Addl.Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno - Sau. Arya Nikam (Stenographer G-1)
Court Name - Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order - 26.5.2020.
Order signed by P.O. - 26.5.2020.
Order uploaded on - 27.5.2020.