

Spl. Sessions Case NO. 90/2020.
(CNR-MHPU010020532020)

ORDER BELOW EXH.15.

State of Maharashtra

...Applicant.

Vs.

Aakash Hanumant Ingulkar

...Respondent.

This is an application under Section 439 of the Code of Criminal Procedure, for regular bail. The accused is charge-sheeted for the offences punishable under sections 354A and 376 of the Indian Penal Code and Section 4, 6, 8 and 12 of the Protection of Children's from sexual Offences Act, 2012.

2] Application is opposed by the State. Heard the submissions of both sides. Perused the record.

3] As per the prosecution story, at the time of incident the victim girl was aged about 5 years and 10 months. On 25/11/2019 at about 12.00 noon the victim girl was playing with her friends, that time accused came there and he promised the victim girl that he will give her guava and took her towards old school. In a school, accused removed his clothes and asked the victim girl to play 'kuchu kuchu' then he took the kiss of victim girl. He removed nicker of victim girl and slept on her body and committed sexual intercourse with her. Hence, report came to be lodged by grandmother of the victim girl on 06/12/2019.

4] The statement of victim's friend discloses that when

the victim girl was playing with them, the accused came there and took her with him towards old school by stating that he will give her guava. The medical report of the victim girl discloses that she was examined after 12 days of the incident. During vaginal examination the medical officer noticed redness and inflammation in perihymenal area extending from 4 O'clock to 7 O'clock. Thus, medical report corroborated the prosecution story. The another angle of this case is that as per medical examination, the accused is the patient of HIV and on examination of the Victim Girl she also found HIV positive. It is the case of the prosecution that, HIV transmitted in the body of the victim girl from the accused. It has come in the additional statement of the informant, who is grandmother of the victim girl that in the year 2018 the accused had removed the nicker of the victim girl, but that time she has not lodged report.

5] The offence is of serious nature. Offence punishable under section 376AB is attracted. The accused sexually assaulted to the victim girl knowing that he is HIV positive patient. The victim girl and accused are residing in the same locality. If the accused is released on bail, tampering of the prosecution witnesses and evidence cannot be ruled out. Considering the nature of the offence, accused is not entitled to release on bail. Hence, the following order.

ORDER

Application (Exh.15) is hereby rejected.

Date:-06/08/2022.

(S. S. Gulhane)
Additional Session Judge, Pune

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word as per original order.

Name of Steno : T. A. Shelke,
Stenographer Grade-I

Court Name : S. S. Gulhane,
Additional Sessions Judge,
Pune.

Date on which the P.O.
Signed the order : 06/08/2022

Date of PDF file : 06/08/2022

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