

ORDER BELOW EXH.17

(Sudarshan @ Chimya Jadhav & ors. V/s. State of Maharashtra)

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

2] This is second bail application filed under section 439 of Cr.P.C. by accused in respect of their arrest in C.R. No. 294/2019 registered at Chaturshrungi Police Station for the offence punishable under sections 354, 354-A, 363, 376 r/w. S. 34 of the Indian Penal Code and under section 3, 4, 5, 6, 8, 12, 16 & 17 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years lodged report stating that on 19.3.2019 after ITI classes she made phone call to her friend and while going to her house by PMT bus, from mobile number of her friend Bharat, she received call of her mother. She felt that her mother would scold her, therefore she went to accused No.1 Aasif at SR Lodge Alandi, Pune and asked him to make a temporary arrangement of her residence. Accused Aasif introduced victim with present accused No.2 Sudarshan and as per instance of accused Aasif, present accused took victim at the house of his friend accused No.3 Vishal, where they resided together for three days. Accused Vishal made obscene acts with victim. Then, present accused introduced victim with another accused No.4 Anil and they made arrangement of residence of victim in the flat of accused Anil. In that flat, present accused tried to create intimacy with victim and tried to force on her at 3 to 4 times, but she refused him. Accused Anil also committed sexual intercourse with victim for 2-3 times.

3] According to accused, he is falsely implicated in this matter. Victim is more than 17 years old. She never made allegations of offences under Sections 363, 376 of Indian Penal Code against present accused. There

is delay in lodging report. He is falsely involved as he helped victim in finding shelter, when he refused to help victim he was implicated in this matter. Co-accused are released on bail, so there is ground of parity. Previous bail application was rejected as role of this accused was misinterpreted. Victim girl never stated about sexual intercourse by present accused with her. Moreover, in the Medical Report, she gave history of sexual intercourse with accused Anil. He has not filed any application for bail in Hon'ble High Court or any other Court. Separate pursis is filed in that regard. He has no criminal antecedents. Trial will take long time. He is 23 years old and looking after his family members. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP objected this application on the ground that offence u/s. 3,4 of POCSO Act are levelled which are serious in nature, victim specifically stated name of present accused and his role is revealed from her statement. Medical report is corroborative in nature. There are statements of other witnesses. Present accused took victim to another accused. So, in view of nature and gravity of offence, there is possibility of pressurizing victim and witnesses by present accused. So, she prayed to reject the application.

5] Allegations against the accused are serious. Accused is sufficiently interrogated. From statement and supplementary statement of victim role attributed to each accused can be gathered. According to victim, accused Aasif took her to house of accused No.3 Vishal. Present accused is also friend of accused Aasif and they both made arrangement of residence of victim at S R Lodge, Alandi. Victim and present accused thereafter resided in the house of accused No.3. Allegations against accused No.3 are in respect of doing obscene acts and in respect of present accused victim stated about attempt to force on her for about 3 to 4 times.

6] At present charge-sheet is filed after completion of investigation. Co-accused are released on bail and there is ground of parity. In medical report, victim made allegations of obscene acts by present and other accused like they used to touch her and tried to hug her without her consent. But, she did not give history of sexual intercourse by them with her. She gave history of sexual intercourse with her for two times by accused Anil with her consent. There are no injuries on person of victim. She is more than 17 years old and knows the consequences of act. Due to above reasons, there are mitigating circumstances. Trial will take long time and no purpose would serve by keeping accused behind bar for unknown period. However, due to gravity of offence, it is proper to impose strict conditions while granting bail to accused. He is 23 years old and pursuing his career. He is permanent resident of Devachi Alandi, Tal-Khed, Pune. He has no criminal antecedents. Due to all above reasons, his application deserves to be allowed with following order:-

ORDER

- 1] Application is allowed.
- 2] The accused No.2 Sudarshan @ Chimya Jadhav be released on executing P.R. bond of Rs.40,000/- with one or two solvent sureties in the like amount.
- 3] The accused shall not tamper the prosecution witnesses in any manner.
- 4] The accused shall attend each and every date of proceeding.
- 5] The accused shall not meet, harass, threat and pressurize the victim.
- 6] Any two consecutive defaults in complying with the above conditions will attract the provisions of cancellation of bail.
- 7] The accused shall co-operate investigating machinery as and when required.

- 8] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.
Date – 13.8.2020.

(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	- 13.8.2020.
Order signed by P.O.	- 13.8.2020.
Order uploaded on	- 14.8.2020.