



Special Case No. 421/2022
(CNR No. : MHPU01-009830-2022)

State of Maharashtra
Vs.
Punaram Chaudhari

ORDER BELOW EXH. 8

1. This is an application for regular bail filed by the applicant/accused **Punaram Dhanaram Chaudhari** under Section **439** of the Code of Criminal Procedure in connection with Crime No. **79/2022**, registered with Police Station, Bundgarden, Pune for the offence punishable under Section 376(2)(i)(j) of the Indian Penal Code (In short referred to as “*IPC*”) and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (In short referred to as “*POCSO Act*”).

2. The prosecution has filed say and opposed this bail application. The complainant filed say on record and strongly resisted this application.

3. Heard learned advocate for the applicant/accused and Spl.PP. for the State. Perused application, say filed by the Prosecution and police papers.

4. The learned advocate for applicant/accused submitted that, accused is in custody since 12.04.2022. Family members of victim and accused known to each other. There was dispute between their family. Accused is falsely implicated in this case. As per prosecution story, incident took place in afternoon in public toilet. This fact is not possible and acceptable. There is delay in

framing charge. Accused is in jail since 12.04.2022. Charge was framed on 18.09.2024. Since then, not a single witness has been examined by the prosecution. Therefore, accused filed this application for grant of bail.

5. The learned Spl.PP strongly opposed this application and submitted that, victim is 12 years old, accused is 40 years old. Accused was wondering in the area of the house of victim. He used to come to the house of victim for drinking water. People used to call him as 'Marwadi'. At the time of incident when victim went to ladies public toilet, accused was sitting inside of the toilet and committed sexual relation with the victim. At that time her bade pappa came and brought the victim to home and lodged the FIR. Medical papers are supportive. Prosecution is ready to expedite the matter. There is no permanent address of accused. Therefore, there is possibility of absconding of the accused and prayed for rejection of this bail application.

6. That, considering facts and circumstance of the present case, considering the age of victim, serious nature of offence and considering the fact that, charge is framed and prosecution is expedite the matter and considering the fact that, accused has no permanent residence at Pune, I am of the view that, accused is not entitled for grant of bail and prosecution is directed to expedite the matter and record the statement of victim as early as possible and I proceed to pass the following order.

ORDER

1. The application (Exh.8) is rejected.

2. The bail application is accordingly disposed of.

Pune.
Date : 07/10/2025.

[Kavita D. Shirbhate]
Special Judge (under POCSO Act) &
Additional Sessions Judge, Pune

