

ORDER BELOW EXH 10 IN SPL. CASE (POCSO) NO. 471/2022

The State of Maharashtra Through Hinjwadi Pstn

Vs.

Sachin Devidas Shendge

- 1) Read application.
- 2) The APP filed say at the last page of the application on the basis of say of IO Exh.11 on the ground that the offence is serious in nature. The applicant when victim returning from class shown the penis and it is shaken by him. The victim has identified accused in identification parade. There is possibility of tampering witnesses and evidence and prayed to reject the application.
- 3) Following points arise for determination. My findings thereon is as under:

POINT

FINDING

- | | |
|---|-----------------------------|
| 1. Whether applicant made out case to allow the application ? | -- Yes. |
| 2. What order? | ... Application is allowed. |

REASONS

POINT NO.1 and 2:-

- 4) Heard advocate for applicant and APP.
- 5) The advocate for the accused argued that the previous bail application is rejected on the ground that the investigation is incomplete and in progress. Now the investigation is completed and

charge-sheet is filed. The present application is maintainable. The accused is arrested on 25/04/2022 since then in custody. The offence leveled against accused are not punishable more than three years. The complaint is filed against unknown person. There is no need to keep accused behind the bar. The accused is ready to obey the terms and conditions imposed by the court and prayed to allow the application.

6) The APP argued that the offence is serious in nature. The application is not maintainable. The victim is child. There are specific allegations against the accused. There is possibility of tampering witnesses and evidence. The T.I. parade is conducted and witnesses identified to the accused. Prima facie evidence against the accused. As per the CDR the accused was on the spot. There is possibility of again applicant will commit such type of offence and prayed to reject the application.

7) I have gone through the order passed below Exh.01 in Cri. Bail Application no.2998/2022 filed by the applicant. The said application is rejected by this court observing that the investigation is yet to be completed. At this stage of investigation it is not proper to release the accused on bail. The IO has completed the investigation and filed chargesheet. I come to the conclusion that the application is maintainable.

8) I have gone through the chargesheet and documents filed along with it. The FIR is lodged by father of victim alleging that on 22/04/2022 the victim started crying, when asked about

the same, she told that one unknown rickshaw driver came and asked address of A Ganga Ligend Society. She told she does not know. He asked where is Baner Highway. She shown the way. Then he asked where is hardware shop. When he asked her, he was having penis in his hand and shaking. Due to it, penis became wet. She afraid and returned to the house. She given the details of rickshaw driver, black colour, something fatty, round face wearing uniform. The back side seat was blue colour. Hence, the complaint.

9) If the complaint is taken into consideration, it is clear that the complaint is filed against unknown person. The statement of victim is as per the FIR. The victim has identified the applicant in the identification parade. The accused is arrested on 25/04/2022 since then in custody. The investigation is completed and charge-sheet is filed. The offence leveled against the accused punishable under section 354-A, 509 of the IPC and under section 12 of the POCSO Act. Those are not punishable more than three years.

10) From the facts and circumstances, evidence on record and above discussions, I come to the conclusion that the accused be released on bail. Thus, the points under consideration are answered accordingly and I pass following order.

ORDER

1] Application is allowed.

2] The accused Sachin Devidas Shendge is released on bail on executing PR bond of Rs.30,000/- and furnishing one or two sureties of like amount in connection of CR no.360/2022 registered

at Hinjwadi police station for offence punishable under Section 354-A, 509 of the IPC and under section 12 of the POCSO Act, on which basis present charge-sheet is filed, on following conditions :-

- i) He should not tamper the prosecution witnesses and evidence.
- ii) He should not enter in the jurisdiction of Hinjwadi Police Station.
- iii) He should remain present before the court on each date.

Pune
Date : 22/09/2022

(S. B. Salunkhe)
Addl. Sessions Judge and
Special Judge under POCSO Act,
Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno : S. Y. Shaikh,
(Steno Grade I)

Court name : Shri. Shrikant B. Salunkhe,
Addl. Sessions Judge, and
Special Judge under POCSO
Act, Pune.

Date : 22/09/2022

Order signed by presiding
officer on : 23/09/2022

Order uploaded on : 23/09/2022