

**ORDER BELOW EXH.4**

1] This is an application for bail filed by the accused u/s. 439 of Code of Criminal Procedure in connection with CR No. 219/2021 registered with police station for the offences under Sections 354 -D(1), 504, 506 of the Indian Penal Code and under Sections 11(4), 12 of the Protection of Children from Sexual Offences Act. [Hereinafter Indian Penal Code referred to as "IPC" and Protection of Children from Sexual Offences Act referred to as "POCSO Act" for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the accused and Ld. APP for the State. Perused application, say filed by the prosecution and the charge-sheet.

4] It is argued by Ld. Advocate for the accused that informant is the mother of the victim. Against her, FIR 211/2021 has been registered under Section 307 of IPC and in that case injured is the present accused. There are no specific allegations against the accused. Birth date of the victim is 16.05.2005. Thus, she has completed 16 years of her age. Investigation has been completed and the charge-sheet has been filed. Hence, prayed for allowing the application.

5] It is argued by Ld. APP that mere filing of the charge-sheet is no ground for bail. Conduct of the accused is necessary to consider and prayed for rejection of the application.

6] Perused the charge-sheet. It appears that earlier

bail application was not pressed by the accused. Mother of the victim has lodged report against the accused. The date of birth discloses from birth certificate is 16.01.2005. It seems that the informant has mentioned age of the victim 13 years while the victim is 16 years old. It indicates from the report that there are allegations against the accused that he follows the victim and committed sexual harassment upon the victim. He said the victim that, “तु मला खुप आवडतेस तु माइया सोबत चल आपण नवरा बायकोसारखी मजा करू”. The victim has also reiterated the facts in her statement recorded by the police.

7] Ld. Advocate for the accused has filed on record copy of FIR in C.R. no.211 of 2021. It appears that the informant is one of the accused in C.R. no. 211 of 2021 registered with Warje Malwadi Police Station and present accused was injured in the said incident. The said incidence seems to be occurred on 23.06.2021 and there are serious charges levelled against the informant along with co-accused.

8] Thus, prima facie it appears that there are strained relations with the accused and the informant and in this background, on 27.06.2021 the informant has lodged the present report without mentioning specific date of alleged incident in respect of minor daughter aged 16 years. It seems that investigation has been completed. Therefore, in this background, it is not just and proper to keep the accused behind bars for unknown period, keeping in mind allegations made against him. Therefore, application is to be allowed by imposing stringent conditions upon the accused. With this, I proceed to pass the following order:

**ORDER**

- 1] The application is allowed.
- 2] The accused **Dheeraj Shahu Dolare** shall be released on bail upon furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- 3] The accused shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 4] The accused shall not contact with the victim and family members, in any manner.
- 5] The accused shall not confront to the victim and not to enter in the area where the victim is residing.
- 6] The accused shall make himself available and shall regularly attend each and every Court date.
- 7] The accused shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The accused shall not leave The State of Maharashtra without prior permission of this Court.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.  
Date – 21/09/2021.

(S.P. Ponkshe)  
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.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl.Sessions Judge,Pune.
Date of Order	- 21.09.2021
Order dictated on	- 21.09.2021
Order transcribed on	- 21.09.2021
Order signed by P.O.	- 22.09.2021
Uploaded on	- 22.09.2021