

ORDER BELOW EXH. 4 IN SPL(C) SESSIONS CASE NO. 433/2017

The accused has filed this second bail application under Section 439 of The Code of Criminal Procedure for grant of bail in Crime No.461/17 registered at Lonikalbhor police station under S. 354, 504, 506 of IPC and under S. 8 of The Protection of Children From Sexual Offences Act, 2012. The prosecution has resisted the application by filing written say (Exh.5). Heard the learned advocate for the accused and APP Gavali for the State.

2] The learned advocate for the applicant submitted that the first bail application, i.e. Cri. Bail Appln. No. 2790/17 is rejected by the court on 23.8.2017 on the ground that the investigation is in progress. He submitted that now the investigation is completed and the charge sheet is filed. Therefore, this second bail application filed by the accused is tenable.

3] Sou. Bayajabai Kale lodged the FIR on 6-7-2017 about the incident dated 2.7.2017. It is alleged that on 2.7.2017, victim girl went to the house of her step mother for playing with her daughter. When the informant went to see her, she saw that knicker of the victim girl was removed. There was sticky substance on her stomach. When the informant asked the victim girl about the same, she told that accused has thrown sticky substance on her stomach by moving his private part. On the same day, the accused consumed the liquor and abused the informant and her family members. On these allegations, the FIR is lodged against the accused.

4] The learned advocate for the accused submitted that the investigation is completed. The accused will not abscond. The accused is not hardened criminal. He will not tamper with the prosecution witnesses. Therefore, he submitted to release the accused on bail.

5] APP for the State submitted that the offence is of serious nature. If the applicant is released on bail, he will tamper the prosecution witnesses. Therefore, he submitted to reject this application.

6] In the present case, the investigation is completed and the I. O. has filed charge sheet in the court. The statement of the vicgtim girl is also recorded under S. 164 of The Code of Criminal Procedure on 4-10-2017. The punishment for the offence punishable under S. 354, 504, 506 of IPC is not death or life imprisonment. Considering all these facts and circumstances of the case and as the charge sheet is filed, I am inclined to grant this application. With this, I proceed to pass the following order.

### **ORDER**

- 1] The application is allowed.
- 2] The accused be released on furnishing PR Bond of Rs.30,000/- with one or two sureties of like amount.
- 3] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence.
- 4] The accused shall attend the court on each date of

hearing of this case.

Pune,

Dated/- 16-11-2017

( R. N. Sardesai )  
Special Judge, Pune ( Under POCSO Act )

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

Name of Steno : Shri. V. V. Bannur, PA

Name of Court : Shri. R. N. Sardesai, District Judge,3, Pune.

Judgment signed by PO on : 16-11-2017

Judgment uploaded on: 23-11-2017