

Order below Exh.03 in Spl Case(POCSO).No.973/2021
CNR No.MHPU01019068-2021

Spl case (POCSO) No.973/2021
State Vs. Santosh

Order below Exh.03
(Dated-06th January 2022)

This is a successive application for regular bail U/s.439 of the Cr.P.C. in Crime No.797/2021,registered with the Police Station-Shirur, for the offence punishable U/s. 354-A of The Indian Penal Code and U/ss.8 and 12 of the POCSO Act,2012.

02. The first Criminal bail application i.e. 7278/2021 came to be rejected on 10/11/2021 on the ground that, the investigation is in progress and considering nature of allegations at this stage, it is not just and proper to release the applicant/accused on bail. After rejection of earlier application, on 13/12/2021, PSO of Police Station, Shirur filed charge-sheet against the applicant/accused before this Court for the offences punishable U/s.354-A of the IPC and U/ss.8 and 12 of the POCSO Act. It was registered as Special Case (POCSO) No.973/2021.

03. After filing of charge-sheet, the applicant/accused filed this application seeking bail on the ground that, the investigation is completed and there is no possibility of commencing the trial in near future due to present situation that has been created by Corona Virus. The applicant/accused further contended that, the informant had taken Rs.50,000/- from the applicant/accused and he failed to repay the amount when demanded, and therefore, he implicated the applicant/accused in a false case. It is further contended that, the applicant/accused has no criminal background.

04. Ld.APP filed his say and opposed the application on the ground that, there is sufficient prima facie material against the applicant/accused and nature of offence is serious one. Ld.APP also filed Say of I.O. at Exh.04. I.O. contended that, if the applicant/accused released on bail, there is every possibility of committing offence similar nature by the accused and pressurizing the prosecution witnesses.

05. I have heard both the sides. Perused charge-sheet. It appears that, the alleged incident took place in intervening night of 13/10/2021 and 14/10/2021, however the report came to be lodged on 15/10/2021. It is alleged in the FIR that, the victim girl along with family members including the informant was sleeping in the veranda of her house. At that time, at about 02-00 a.m., the applicant/accused went near to her, touched to her person and also moved his hand on her person and made some gestures with sexual intent. On the basis of such allegations, above referred crime was registered. I.O. recorded the statement of the victim girl, who supported the story put-forth by her father. Date of birth of the victim girl is 26/02/2006. It means, on the date of incident, she was child within the meaning of Section 2(d) of the POCSO Act. It is also relevant to note that, filing of charge-sheet can be considered as change in the circumstances and therefore, this application is maintainable and will have to be decided on the basis of material collected by I.O. during investigation.

06. Perusal of charge-sheet would show that, there are direct allegations against the present applicant/accused. At this stage, defence of the applicant/accused cannot be considered, however, taking into

consideration the punishment prescribed for the alleged offence and the period of incarceration of the accused, he can be released on bail by imposing certain conditions as there is no possibility of commencing the trial in near future due to Pandemic situation. Thus, considering facts and circumstances of the case, I am inclined to release the applicant/accused on bail. With this, the following order is passed:-

ORDER

1. Application (**Exh.03**) is allowed.
2. Accused-**Santosh Kisan Kokade** be released on bail in Crime No.797/2021 registered with the Police Station Shirur, on his executing PR bond of Rs.25,000/- with one or two solvent surety in like amount.
3. Accused shall not pressurize the witnesses and shall not keep any contact with the victim girl.
4. Accused shall not live in the vicinity of the victim girl until the conclusion of trial.
5. Accused shall attend all the Court dates regularly.
6. Accused shall place on record his recent passport size colour photograph and his business as well as

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residential address on affidavit within three days from the date of his release from jail.

Date: 06/01/2022

(J. N. Raje)
Additional Sessions Judge,
Pune.

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

Name of Steno.	:-	S.B. Gore, Stenographer-Grade-I
Court Name	:-	J. N. Raje Additional Sessions Judge, Pune
Date	:-	05/01/2022
order signed by P.O. on :-		07/01/2022
order uploaded on	:-	10/01/2022