

Order below Exh.06 in Spl.Case (POCSO) No.101/2022

The State
(Uran Police Station)

... Complainant.

Vs.

Pramod Santram Vishwakarma

... Accused.

1. This is a bail application filed for grant of bail by accused **Pramod Santram Vishwakarma** in C.R. No. 75/2022 registered by Uran Police Station for an offences punishable u/s. 363, 354(D), 376 of IPC, u/s. 4, 6, 8 of POCSO Act and u/s. 9 of Prohibition of Child Marriage Act.

2. Brief facts of prosecution case is as under: -

Informant Devka Gurunath Katkari lodged report alleging that on 22/03/2022 at about 9:00 a.m. she went out of the house to her work place at Nagaon, Uran and was working, in afternoon at about 2:00 p.m. at Nagaon, she received phone call from her mother who informed that the victim at about 10:00 a.m. went to kirana shop for purchasing some product but did not return back. Therefore the informant immediately went to her house at Sarde Belwadi and then she made a call on the mobile phone of the victim but it was found switch off. She then took her search in the locality but the victim girl not found. On 01/04/2022 at about 10:00 a.m. victim made a phone call to her mother i.e. informant and she told that she is alone but she did not disclose the location where she was. The

informant had an doubt that some unknown person might have eloped the victim girl therefore she lodged missing report with the police. The victim's statement was recorded by the police on 11/04/2022 wherein she has stated that on 22/03/2022 at about 04:00 a.m. Pramod Vishwakarma made her phone call and on his direction the victim in absence of her parents and grandparents took a bag from the house and went to accused Pramod Vishwakarma. She went to Belwadi by walking till Koproli. Then from Koproli in autorickshaw she went to Chirner, from there she went to Panvel bridge as called by the accused. The accused also threatened her if she will not come to Rajkot he will hang himself. When she get down at Panvel bridge and went alongwith accused Pramod and his friend Chaudhary and from there they went to Bandra Railway station, from there they went to the room of Chaudhary where victim and the accused resided for 3 days. In that 3 days period they performed marriage in a temple and accused had an forcible sexual intercourse with her. He then took her to her sister's house where police came and took victim and the accused and they were brought at Uran police station where FIR was registered and accused was arrested.

3. By filing bail application below Exh. 6 it is the contention of the accused that he is innocent and has not committed any crime. He is in jail since more than 18 months and is of young age. He has no criminal antecedent. He will not

cause any harm to the victim and her family and will obey all the conditions of the court. Hence, prays to release him on bail.

4. The learned prosecution strongly oppose the bail application by filing say below Exh. 7 mainly on the contention that the offence is of serious in nature. Accused has committed forcible rape upon the victim girl. If he release on bail he may go absconding. Hence, prays to reject the bail application.

5. I have heard both the sides, also perused chargesheet and other material of record. Though in this case victim was 17 years 11 months and 5 days old but she was present before the court and has submitted that accused has committed forcible rape upon her. Though the victim was of understanding mind but accused eloped her without informing her parents and grandparents and he committed rape upon her. Hence, the application for bail does not deserve to be allowed. Hence, I proceed to pass the following order :-

ORDER

Application of applicant/accused for grant
of bail at Exh. 06 is hereby rejected.

Sd/-

Panvel.

Date- 14/03/2024.

(Shaida Shaikh)

Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.