

Order below Exh.10 in Spl.Case (POCSO) No.149/2022

1. This is a bail application filed by accused Babul Diley Swareri in C.R. No. 152/2022 registered by Panvel Taluka Police Station for an offence punishable under sections 363, 376(3) of Indian Penal Code and under sections 5 and 6 of POCSO Act.

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

On 10/07/2022 Maymur Anbar Khan lodged report with the police that he is having 4 daughters and he is residing in Gondhali chawl, Tal. Panvel. On 09/07/2022 at about 4:30 p.m. the informant alongwith his two stepdaughters and one boy Ramjan went to Khairane village for Bajar. After purchasing the articles they return back at 6:00 p.m. At that time victim went to Kirana shop in front of her house to purchase some articles. After returning back from Kirana shop victim kept all the purchased articles near the door of the house and she went missing. Informant took her search but she was not found. Therefore he lodged missing report.

3. On 24/07/2022 in his supplementary statement he received a phone call that a victim is in the police station and she was kidnapped by the accused who took her to Nashik. The informant then took the victim in confidence and made her inquiry who stated that victim knows the accused since last 2 months and they have become the friends. There friendship then turn into love

affair relationship. On 09/07/2022 they went to Taloja where they resided for one night and then by train they went to Ratanagiri where they stayed for 2 days and then return back to Panvel on 11/07/2022. On 12/07/2022 accused again took her to his friends house and had an sexual intercourse with her. Then he took her to Nashik at Malegaon in one chicken company. He was having room at Malegaon where he had an sexual intercourse with the victim. On 23/07/2022 the victim was found by the police and brought at police station. From 09/07/2022 till 24/07/2022 accused kept her at different places. Thus on the basis of this facts offence came to registered and accused was arrested.

4. By filing bail application below Exh. 10 it is the contention of the accused that initially the missing report was lodged by the informant and then accused has been involved falsely in the case on the basis of suspicion. Infact the victim was in love with the accused and she willingly left her parents house, had an sexual intercourse with the accused. Hence, accused prays he will obey all the condition of court if he release on bail.

5. The prosecution oppose the bail application by filing say below Exh. 11 contending that accused has committed severe offence against the minor girl, he took her to different places and had an sexual relation with her. If he release on bail he will hamper and tamper prosecution evidence. Hence, prays to reject the bail application.

6. I have perused the chargesheet and heard both the sides. I have also perused medical certificate and other documents filed on record. The victim girl is hardly 14 years old. Accused without informing her parents took her to different places and had an repeated sexual intercourse with her for the period 09/07/2022 till 24/07/2022. He is originally resident of Assam and there is wide possibility that he may go absconding. The offence is serious in nature against a 14 year 11 months old child. Accused does not deserve for grant of bail. Hence, I proceed to pass following order. -

ORDER

Application for bail stands rejected.

Sd/-

Panvel.
Date- 16/01/2024.

(Shaida Shaikh)
Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.