

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Special (POCSO) Case No.161/2021
Order below Exh.8
(CNR No.MHRG170017712021)

State of Maharashtra V/s. Ajay Devlal Shingne

(Passed on 31/01/2022)

1] Applicant/accused -Ajay Devlal Shingne has sought regular bail u/sec.439 of Cr.P.C., of the offences punishable u/secs.294(a), 500 of Indian Penal Code, under section 67, 67(a) of Information Technology Act and sec.12 of POCSO Act, in crime No.253/2021, of Police Station, Kalamboli.

2] Perused application, say and record.

3] Ld.Adv.for applicant/accused submitted that, present applicant/accused arrested on 15/09/2021. Charge-sheet submitted on 22/11/2021, but till date trial could not commence. There is 5 months delay to lodge FIR. He is 20 years old tender aged boy. Nothing remains to seize or interrogate from him. No purpose will suffice by keeping him behind bar. Hence, prayed for regular bail of present applicant/accused. To support his contentions he rely on following case laws-

1)	Bobby Kumar V/s. State of Himachal Pradesh in Cr.MP(M) No.2085 of 2020 and Akshay Kumar @ Tinu V/s. State of Himachal Pradesh in Cr.MP(M) 2026 of 2020 decided on 01/12/2020
2)	Pramod Anand Dhumal V/s. The State of Maharashtra in Ant.Bail Application No.1114 of 2020 decided on 7 th January, 2021

4] Ld.APP Shri.Patil strongly opposed his bail application and submitted that, 2 crimes already pending against present applicant/accused. Though, charge-sheet submitted, but he has not shown change in circumstances. Hence, it is not proper stage to release him on regular bail.

5] I have gone through the record and found, charge-sheet submit before court on 22/11/2021, but trial could not commence by one or other reason. It cannot comment that how much time will it get to commence the trial. It is the matter of merit whether the applicant/accused viral obscene photographs and message on social media. It can be decided after concluding the trial. Two crimes registered against him is not the ground to reject his bail application. Considering his tender age of 20 years old and the time which he passed behind bar coupled with non-commencing of trial, can be considered as change in circumstances. Apprehension of prosecution can be taken care by

imposing some harden conditions on him. Hence, I pass following order.

ORDER

1. Regular bail Application (Exh.8) is hereby allowed.
2. Applicant/accused - Ajay Devlal Shingne be released on bail of the offences punishable u/secs.294(a), 500 of Indian Penal Code, under section 67, 67(a) of Information Technology Act and sec.12 of POCSO Act, in crime No.253/2021, of Police Station, Kalamboli, on his executing bond of Rs.15,000/- with one surety in the like amount on following conditions -
 - a] He shall attend the court on each and every date without fail.
 - b] He shall not pressurize with the informant and prosecution witnesses.
 - c] Whenever he wants to leave his resident district, he shall obtain prior permission of this court.
3. If applicant/accused is unable to furnish any surety during the lock-down period, then he is permitted to deposit surety amount of Rs.15,000/- in the court and thereafter, he shall furnish surety in the like amount after lock-down period is over in the court.
4. The breach of above conditions shall lead to the cancellation of bail.
5. Bail before concerned court.

6. Hamdast allowed.

Panvel,
Date : 31/01/2022

(Madhuri Anand)
Additional Sessions Judge,
Panvel-Raigad.

Dictation started on : 11.25 a.m
Dictation concluded on : 11.45 a.m

Note :- Argument of both parties heard on 29/01/2022 and
kept for order on 31/01/2022 and order passed on
same day.

CERTIFICATE

I affirm that the contents of this PDF file order are
same, word to word, as per the original order.

Name of stenographer	P.S.Mhatre
Name of Court	District Judge-2, Panvel- Raigad
Date of Dictation	31/01/2022
Order signed by the P.O on	31/01/2022
Order uploaded on	03/02/2022