

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Special (POCSO) case No.412/2020
Order Below Exh.4
(CNR No. MHRG170017872020)

State of Maharashtra V/s. Suresh Kumar Ramswarup Verma

(Passed on 24th February, 2021)

1] Applicant/accused-Suresh Kumar Ramswarup Verma has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec.509 of Indian Penal Code and sec.11 and 12 of the POCSO Act, in crime No.373/2019, police station Kharghar.

2] Perused application, say and record.

3] Ld.Adv. for applicant/accused submitted that, applicant /accused arrested on 15/10/2019. More than one year he is behind bar. Offence u/s.509 of I.PC and sec.11 and 12 of POCSO Act for which the punishment does not prescribed for life imprisonment or death. Charge-sheet filed before court in the month of December 2019, but trial yet not commenced. He is young aged person and languishing behind bar for sufficient

period. He did nothing as alleged by the informant. False FIR registered against him. Lastly, prayed for his regular bail.

4] Ld.A.P.P Smt.Wade strongly opposed his bail application on the ground that, victims are five minor boys to whom accused shown his private part. Not only them, but he shown his private part to some ladies and committed this heinous offence. Statement of witnesses and victim reveals his direct role in this crime. He is permanent resident of other state and there is possibility to flee away from the court of justice. Though, charge-sheet filed but, he does not shown his change in circumstances and it is not fit case to grant his regular bail.

5] I have gone through the record and found, on 13/12/2019 charge-sheet filed before court, but till date trial could not commenced due to Covid-Pandemic 19. Second phase of Covid Pandemic-19 recently spreading and again it cannot be stated that, how much time will it take to commence said trial. Accused arrested on 15/10/2019 and more than one year he is behind bar. It is not just and proper to keep him behind bar for uncertain period, particularly when, say of prosecution does not pointed that, anything remain to seize or interrogate from him. 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.4) is hereby allowed.
2. The applicant/accused - Suresh Kumar Ramswarup Verma be released on bail of the offence punishable u/sec.509 of Indian Penal Code and sec.11 and 12 of the POCSO Act, in crime No.373/2019, police station Kharghar, on his executing bond of Rs.25,000/- with one local solvent surety in the like amount with the conditions that :
 - a] He shall attend before the court on each and every date without fail.
 - b] He shall not meet or pressurize with the informant and prosecution witnesses.
 - c] He shall not leave his concerned district without prior permission of this Court.
 - d] He shall not enter into the area within the radius of 1000 meter distance from the residence of informant and prosecution witnesses.
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.25,000/-in the court and thereafter, he shall furnish local solvent surety in the like amount after lock down period is over before the court.

- 4- Spl(POCSO) Case No.412/2020
(Order below Exh.4)

4. The breach of above conditions shall lead to the cancellation of bail.
5. Bail before concerned court.
6. Hamdast allowed.

Panvel,
Date : 24/02/2021

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

Dictation started on 1.20 a.m
Dictation concluded on 1.40 a.m.