

Order below Exh.14 in Spl.Case (POCSO) No.199/2022

The State
(Panvel Taluka Police Station) ... Complainant.
Vs.
Dilip Aatmaram Ughada ... Accused.

1. This is a bail application filed u/s. 439 of Code of Criminal Procedure, for grant of bail by accused **Dilip Aatmaram Ughada** in C.R. No. 242/2022 registered by Panvel Taluka Police Station for an offences punishable under Sections 376(3) of IPC and under Sections 4 & 6 of POCSO Act.

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

Informant victim girl 15 years old lodged report with the police alleging that, she is resident of Nerul Kukshetgaon village. Due to new year, there were cricket matches and therefore victim went to see cricket match, where she was introduced with the accused Dilip Aatmaram Ughada, resident of Sagwadi. He has shared his mobile number with the victim. She used the mobile phone, but she was not remembering his number. However, accused used to call her and they used to chat with each other. One day he called her to meet at Khandeshwar Railway station. She also went without informing anybody in the house. Accused Dilip came on motorcycle. He took her on the bike at village Walap. Then he took her to

Panvel parisar and then left her after some time to Khandeshwar Railway station, from where she went back to her home. After one week, again he called her at Khandeshwar Railway station. When she went, he took her on motorbike to Palebudruk village. From kaccha road he took her behind one hill under Mango tree. He parked the motorcycle, chit chatted with her and under pretext of marriage, he kept forcible sexual intercourse with her for two times. In March 2022, he again called her at Khandeshwar Railway station to meet. Then he again on motorbike took her to Palebudruk village behind the hill and again kept sexual relations with her. In the month of April her regular menstrual period has stopped. Accused called her to meet in Nerul garden. When she asked him to perform marriage since her periods were stopped, but on 11/10/2022, he has shown false reason of getting abdominal pain and since then he did not meet her. She then narrated the incident to her mother. Her mother took her to Meenatai Hospital, at Nerul. Doctor checked her and informed that she is pregnant. Her mother asked who has made her pregnant. She told the name of the accused that he committed sexual intercourse repeatedly under pretext of marriage. Hence complaint was registered and accused was arrested.

3. The first Bail application below Exh. 5 filed by this accused was rejected by order dated 24/03/2023 and after lapse of 1 year period this is second Bail application filed

below Exh. 14, wherein the accused has raised medical ground that he is having swelling on his entire body and he is not well. He is not getting proper treatment in the jail. On grievance of the accused the court has directed Jail Superintendent to submit his report but till today no report about the condition of the accused has been submitted by the Jail Superintendent. In this bail application accused contended that he is innocent and is in jail since the year 2022. He is suffering from High Fever, Body Swelling and the Clots. The appropriate medical treatment has not been provided to him by the jail authority, therefore his health is deteriorating day by day and he is in immediate need of proper treatment. He is ready to obey all the conditions of the court and will attend the court regularly in future. Hence, prays to grant his bail application.

4. The prosecution strongly oppose bail application by filing say below Exh. 18 contending that accused has committed serious offence against the minor girl and if he is release on bail he may hamper and tamper prosecution evidence and will cause threatening to the victim and her family. Hence, prays to reject his bail application.

5. I have perused the chargesheet and all other materials filed on record. The earlier bail application below Exh. 5 was rejected mainly on merit of the facts. But now filing the present bail application, the accused has come with medical ground of having swelling over the body and blood

clotting for which he need immediate medical attention. The report of the Jailor was called by issuing notice but he did not submitted his report till today. The accused is in jail since 2022. Only on the basis of medical treatment he deserve for grant of bail on some strict conditions. The victim and her mother were also heard since they were present in the court and they have submitted that they do not have any objection to release the accused on bail and they have filed their supporting affidavit on record. The victim herself submitted before the court that accused is suffering from illness and he be release on bail. The affidavit is at Exh. 17. With this I proceed to pass the following order :-

ORDER

1. Bail application Exh.14 is hereby allowed on the following conditions-
 - i) Applicant/accused be released on bail on executing PR & SB of Rs.25,000/- with one or two sureties in the like amount.
 - ii) The applicant/accused shall not directly or indirectly make any attempt to threat any prosecution witness and shall not in any manner tamper with the prosecution evidence.
 - iii) The applicant/accused shall co-operate with the Court in expeditious disposal of the trial. Any attempt by the applicant/accused to delay the trial may be additional ground for cancellation of bail.

- iv) Applicant/accused shall not leave jurisdiction of India without prior permission of the Court.
 - v) Applicant/accused shall not commit any offence while he is on bail.
 - vi) The applicant/accused shall not indulge into similar activities.
 - Vii) The applicant/accused shall not come in contact with the victim in future.
 - Viii) The applicant/accused shall intimate his address after his release to Senior P.I. of the concerned police station
 - ix) Applicant/accused shall not leave Maharashtra State without permission of the Court.
 - x) Applicant/accused is directed to co-operate with the Investigating Officer and to attend the police station if called by the I.O.
 - xi) The accused to keep himself away from the victim and her family.
 - xii) Breach of any one of above conditions will be liable for cancellation of the bail.
2. Bail application Exh.14 in Spl.Case (POCSO) No.199/2022 stands disposed off accordingly.

Sd/-

Panvel.
Date- 14/03/2024.

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