

**Order Below Exh.3 in**  
**Spl.Ch.Act.C.No.89/2019**  
**CNRNo.MHWR01-001706-2019**

**Heard:** Ld.Adv. Mr. N.V. Pawar for the applicant.  
Ld. PP Mr. G.V. Takwale for the State.

1] The present application has been filed under section 439 of Cr.P.C. for grant of bail to the applicant from the offences punishable under section 452, 354 of IPC r/w section 8 & 12 of the Protection of Children from Sexual Offences Act, 2012. It is the case of the prosecution in brief that on the date of the incident, the victim was alone at home because her father and brother had gone for work and since her mother is mentally challenged, she was sitting on the road-side. The accused came to her and asked her to give him water for drinking alcohol. When the victim refused, the applicant/accused told her that he will give her ₹ 100/- and that she should allow him to 'do it'. When the victim stepped behind, the applicant caught her from behind and started pressing her body parts. He also tried to throw her on the cot.

2] It is submitted by learned advocate for the applicant that investigation is over and charge-sheet has been filed. Therefore, no purpose will be served by keeping the applicant behind bars. He is ready to abide by all the terms and conditions imposed by the Court.

3] Per contra, learned PP Mr. Takwale has vehemently opposed the application on the ground that a perusal of charge-sheet clearly indicates *prima-facie* involvement of the accused in the offence. If the applicant is released on bail, there are chances of tampering with prosecution witnesses since the applicant resides in the same locality. There is no change of circumstances after the previous bail application

was rejected.

4] A perusal of the charge-sheet indicates *prima-facie* involvement of the accused in the offence. The allegations against the accused wreek of aggression. Victim was only 12 years old. Apprehension of the learned PP that if the accused is released on bail, there are chances of tampering with prosecution witnesses is also well-founded. There is no change of circumstances after the previous bail application was rejected. In view thereof, I am inclined to reject the application.

**ORDER**

Application stands rejected.

Wardha  
Dt.-20.12.2019

(Mridula V.K.Bhatia)  
District Judge-1 and Spl. Judge  
(POCSO Act), Wardha.