

MHCC050010302020



**IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION
OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 AT
BORIVALI DIVISION, DINDOSHI, MUMBAI
BAIL APPLICATION (EXHIBIT-2)
IN
POCSO SPECIAL CASE NO.83 OF 2020**

Sonu Suresh Shetye

Age : 40 Years.

R/o. Swami Vivekanand Chawl, Appa Pada,
Kurar, Malad (E), Mumbai.

....Applicant/accused

V/s.

**The State of Maharashtra
(Through Kurar Police Station)**

.....Respondents

Applicant in person.

None present for State.

**CORAM: H.H.THE SPECIAL JUDGE,
SMT. H.C. SHENDE, (C.R.NO.12)**

DATE : 1st June, 2020

ORDER

The applicant has moved this application from Thane Jail for grant of bail in C.R. No.506/2019 for the offences punishable U/sec. 341 and 354 of IPC and u/s. 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (Hereinafter referred to as “POCSO Act” in short) registered with Kurar Police Station.

2. With this application, it is contended by the applicant that there is wide spread of Corona virus in India. So many inmates are in jail. He may

be get infected because of the same. If possible, he may be released on bail. He will abide every term and condition imposed by the Court.

3. Say has not been filed by the prosecution.

4. I have gone through the record carefully. The applicant is aged 40 years, residing at Appa Pada, Kurar. He was arrested on 07/12/19. Since then he is in custody. Crime was registered against him for the offences u/s. 341 and 354 of IPC and u/s. 8 and 12 of POCSO Act. The punishment provided for it is less than 7 years. So far as the allegations made against the applicant, he restrained the victim girl and touched to her breasts. Except it no serious allegations of causing sexual assault or harm to her are made against the applicant. Considering the span of time undergone by the present applicant in the custody, his age, allegations made against him, charge levelled against him and the punishment provided for the offence, this Court is of the opinion that he can be released on bail.

5. Hence, this Court proceed to pass the following order :-

ORDER

1. Bail Application **Exhibit-2** is partly allowed.

2. **The applicant/original accused Sonu Suresh Shetye be enlarged on bail on executing S. B. and P.B. of Rs.15,000/- with one or two solvent sureties in the like amount, considering present situation the applicant be released on his depositing provisional cash bail for four weeks with P.R. Bond of like amount, if lock down is extended further, then within next 15 days or later till the Court starts functioning as a regular Court, in C.R. No.506/2019 for the offences u/s.341 and 354 of IPC and u/s. 8 and 12 of the Protection of Children**

from Sexual Offences Act, 2012 registered with Kurar Police Station on the following conditions :-

- a) He shall not enter in the area where the victim girl is residing or her school/college or class is located and where she usually visits for doing her needfuls. He shall not make any contact through phone or social media or meet with the victim girl and her family members in any manner. He shall not cause any harm or threaten to the victim girl and her family members in any manner.
- b) He shall not tamper with the prosecution evidence and threaten the informant, victim and the witnesses.
- c) He shall attend the concerned police station once in 15 days between 4.00 p.m. to 6.00 p.m. after his release till completion of trial. If present lock down is continued in future, then he shall attend concerned police station after his release for once and thereafter within every 15 days till further orders. **The cash be deposited in concerned police station and I.O. in turn shall deposit it in court with due compliance.**
- d) He shall provide his registered residential address in Mumbai, native address proof as well as service place address proof and contact numbers and registered detailed residential address and phone number of his surety and his two near relatives at native within two weeks to the Investigating Officer.
- e) He shall not leave jurisdiction of the Court and Mumbai without permission of the Court till completion of trial.
- f) The near relatives of the applicant to execute affidavit cum undertaking with identity, before the I.O. of concerned Pl. Stn. stating that he will take care of applicant, shall quarantine him in

the house for 14 days after his release, the applicant will obey all conditions imposed in bail order of this Court. Applicants shall not leave Mumbai without permission of the Court.

- g) **The jail authority is directed to get the medical test of the applicant be done and be released him with the report only if he is not suspected of N-COVID 19. Otherwise he should not be released.**
- h) He shall attend the Court regularly on the date fixed and shall not remain absent for hearing without prior permission of the Court and shall co-operate for trial.
- i) He shall not commit similar offence again.
- j) On violation of any above conditions, bail shall stand cancelled without intimation.
3. Bail Application **Exhibit-2** stands disposed of accordingly.

Date : 01.06.2020

(H. C. SHENDE)
Special Judge under P.O.C.S.O. Act,
Sessions Court, Borivali Division,
Dindoshi, Goregaon, Mumbai

Dictated on : 01.06.2020
Transcribed on : 20.06.2020
Checked and corrected on : 25.06.2020
Signed on : 25.06.2020
Sent to Dept. on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE

AND TIME : 02/07/20 at 3.20 p.m.

Mrs. Vidya Pendharkar

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ H.C.SHENDE (Court Room No.12)
Date of Pronouncement of Judgment/Order	01/06/2020
Judgment/Order signed by P.O. on	25/06/2020
Judgment/Order uploaded on	02/07/2020