

MHCC050009482020



**IN THE COURT OF SPECIAL JUDGE UNDER THE
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT, 2012 AT BORIVALI DIVISION, DINDOSHI, MUMBAI
BAIL APPLICATION (EXHIBIT-7)
IN
POCSO SPECIAL CASE NO.80 OF 2020**

Surendra Pitambar Harijan

Age : 20 Years.

R/o. Village Barhata, Vishwharganj,

Dist. Basti, U.P. Pin-272128.

....Applicant/accused

V/s.

The State of Maharashtra

(Through Andheri Police Station)

.....Respondents

Advocate Mansoori for Applicant/accused.

Spl.P.P. Smt.Chuhan for the State.

**CORAM: H.H.THE SPECIAL JUDGE,
SMT. A. D. Deo, (C.R.NO.11)**

DATE : 29th February, 2020

O R D E R

The applicant has moved this application U/section 439 of the Code of Criminal Procedure 1973 (hereinafter referred as “Cr.P.C ”) for grant of bail in C.R. No.817/2019 for the offences punishable U/sec.354, 465 and 177 of I.P.C. and U/sec.8, 9(m) and 10 of the Protection of Children from Sexual Offences Act, 2012 (Hereinafter referred to as “POCSO Act” in short) registered with Andheri Police Station.

2. Perusal of the FIR reveals that the informant is the mother of the victim. The victim girl is aged 13 years. According to the informant, on 15/12/19 in the morning at around 11.45 a.m. the victim went in the nearby shop for bringing eatables. When the victim returned home, she told her mother that when she had been to shop, one mad person pulled down her nicker and touched her buttocks. At that time her father was also standing beside her. The victim raised hue and cry and the accused was caught. On the basis of this information, the FIR as mentioned (*supra*) came to be registered against the accused. When the accused was caught hold, at that time in his belongings, one certificate was found in which it was written Vijay Kumar Singh, resident of Gram-Naikhanda, Dhamnod, District-Dhar, Madhya Pradesh and that holder of the card is deaf and dumb since birth. Hence, the FIR came to be registered against Vijay Singh.

3. In the bail application filed on behalf of the accused, vide Exh.8, it is submitted that the accused came to be arrested on 1512/19. The investigation is already complete. He is just of 20 years. He has no criminal antecedents to his discredit. He belongs to poor family. His mother and his family is dependent upon him. She is suffering from cancer and is under treatment. The accused undertakes to adhere all the conditions imposed by the Court on him and prays to enlarge him on bail.

4. The prosecution resisted the bail application by filing say vide Exh.8 on the ground that the accused has committed serious offence. When the medical examination of the accused was done, it was found that he was not mentally disabled despite this he has deliberately committed this offence. Hence, it is prayed that bail application be rejected.

5. Heard Learned Advocate for accused and Learned APP for State. Both of them submitted in tune with their respective pleadings.

6. Perusal of the record reveals that the main allegation against the accused is u/s.354 of IPC and u/s.8 of the POCSO Act. Considering the fact that the investigation is complete, further detention of the accused is not going to serve any purpose of the prosecution. In these facts and circumstances and upon imposing certain appropriate conditions, I deem it just and proper to enlarge him on bail. Hence, I pass the following order :-

ORDER

1. Bail Application (Exh.7) is hereby allowed.
2. Applicant/Accused **Surendra Pitambar Harijan @ Vijay Kumar Singh** be released on bail on his executing PB and a solvent SB of Rs.15,000/- (Rupees Fifteen thousand only), with one or two solvent sureties, in the like amount, in C.R. No.817/2019 for the offences punishable U/sec.354, 465 and 177 of I.P.C. and U/sec.8, 9(m) and 10 of POSCO Act 2012, registered with Andheri police on the conditions that:-
 - i) He should attend concerned Police Station on every first Sunday of every month between 10.30 a.m. to 2.30 p.m. till conclusion of trial.
 - ii) He will not contact victim in any manner.
 - iii) He shall not tamper with prosecution evidence and witnesses in any manner.
 - iv) He shall furnish his mobile, phone number & new postal address to the Investigating officer and shall not change or discontinue with the mobile number provided to Investigating

officer till the conclusion of the trial.

- v) He shall not commit any offence and maintain the peace in society.
 - vi) Violation of any of aforesaid mentioned conditions would result in cancellation of bail.
3. Bail Application(Exh.7) stands disposed of accordingly.

Date : 29.02.2020

(A. D. DEO)
Special Judge under P.O.C.S.O. Act,
Sessions Court, Borivali Division,
Dindoshi, Goregaon, Mumbai

Dictated on : 29.02.2020
Transcribed on : 31.07.2020
Checked and corrected on : 05.08.2020
Signed on : 05.08.2020
Sent to Dept. on :

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

UPLOAD DATE
AND TIME : 07/09/2020 at 10.43 a.m.

Mrs. Vidya Pendharkar
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Smt. A. D. Deo (Court Room No.11)
Date of Pronouncement of Judgment/Order	29/02/2020
Judgment/Order signed by P.O. on	05/08/2020
Judgment/Order uploaded on	07/09/2020