

IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION OF

CHILDREN FROM SEXUAL OFFENCES ACT, 2012 AT GREATER MUMBAI

BAIL APPLICATION/EXHIBIT-2

IN

POCSO SPECIAL CASE NO. 12 OF 2021

Shekhar Ramprasad Pardeshi]

.. Applicant.

Versus

The State of Maharashtra]

(At the instance of Malbar Hill Police] Station C.R.No.175/2020)]

.. Complainant

CORAM : BHARTI KALE

Special Judge, under

POCSO Act. (COURT NO. 18)

DATED : 6th February 2021

Adv. Patel for the applicant. SPP Mrs. Ratnavali Patil for the State.

ORDER

The applicant is praying for bail under section 439 of the Code of Criminal Procedure in Crime No.175 of 2020 registered with Malbar Hill Police Station for the offence punishable under sections 354, 354-A and 506 of the Indian Penal Code and under sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The applicant has submitted that he is distant relative and neighbour of the informant. Families of the victim and the applicant used to visit each other. The allegations against him are that the applicant used to touch the victim aged 5 years on her chest and back and used to kiss her. The applicant has submitted that he is residing with his wife and family. He has never touched the victim. The mother of the victim was not allowing him to give chocolate or biscuits to the victim. The applicant is ready to abide by all the conditions imposed by this court. The

investigation is completed and chargesheet is filed. Therefore he is praying for his release on bail.

3. The prosecution opposed the bail application submitting that the nature of offence is serious. The applicant may threaten the witnesses and may commit similar nature of offence. Therefore the prosecution prayed that the application is liable to be rejected.

4. Heard the learned Advocate for the applicant and learned SPP for the State. Perused the chargesheet.

5. The Advocate for the applicant has vehemently submitted that the applicant has never committed any offence. The victim being a small child regularly used to visit house of the applicant and it cannot be said that the touch of the applicant was bad touch. He has further submitted that the investigation is completed and chargesheet is filed and therefore prayed for bail.

6. The learned SPP has submitted that the victim is very small and she is aware about the nature of touch and she has specifically stated in her statement about the same.

7. I have perused the papers of the case. In the present case the investigation is completed and chargesheet is filed. The victim and applicant are neighbours. The victim has categorically stated that the applicant has touched on her body and she felt that it was a bad touch. The victim being small girl it cannot be said that she is not aware about the good touch or bad touch. The victim is aged only 5 years and the applicant allegedly committed the offence when the victim used to go to his house to play with his friend. I find that the nature of accusations is serious and the applicant is alleged to have committed aggravated sexual assault. In the circumstances I do not find that the applicant is entitled for bail. Hence, I proceed to pass the following order.

ORDER

- 1) Bail application/Exh.2 is rejected.
- 2) Accordingly, Bail application/Exh.2 is disposed of.

Date : 06/02/2021

**(BHARTI KALE)
Spl. Judge under P.O.C.S.O Act,
Gr. Mumbai**

**Dictated on : 06/02/2021
Transcribed on : 06/02/2021
Signed on : 06/02/2021**

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER	
08/02/2021 at 11.12 a.m	DASTAGIR B. MULLA
UPLOADED DATE AND TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.	H.H.J. BHARTI KALE (Court Room No.18)
Date of Pronouncement of Judgment/Order	06/02/2021
Judgment/Order signed by P.O.on	06/02/2021
Judgment/Order uploaded on	08/02/2021