

CRI.B.A. No.639/17**Order Below Ex.1.**

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Sections 7,8,11(4),12 of the protection of Children from Sexual Offences Act,2012 and under Section 354AD of the Indian Penal Code. It is alleged that when the victim girl was at her home, the applicant knocked the door of victim girl and the applicant asked for water for drink. It is further alleged that the applicant hold the victim's stomach and pulled her towards him and applicant put his hand on her mouth and pressed her chest and outraged her modesty. FIR thus came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. There is no direct or indirect evidence against the applicant. Nothing is to be recovered/discovered at the hands of applicant. There are no bad antecedents against the applicant. He is permanent resident of Pune, having roots over there. Hence, this is the application.

3] The State has not filed say to this application though sufficient opportunity has been given to them.

4] Heard the Ld. A.P.P for prosecution and the learned counsel for applicant. The applicant put his hand on victim's mouth and pressed her chest. It seems from the FIR that the applicant tried to outrage modesty of the victim girl and

therefore, the offence came to be registered on the basis of complaint lodged by victim girl herself. The offence is serious but, the personal custody of applicant is not required for the purpose of investigation. The applicant has no bad antecedents. Considering the allegations, there is no possibility of tampering with the prosecution witnesses. Moreover, the applicant is permanent resident of place mentioned having roots over there. With this, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Rahul Dadu Kshirsagar be released on his executing P.R. bond of Rs. 15,000/-, with one surety in the like amount.
- 3] The applicant shall supply documentary evidence of his permanent address and shall file affidavit in support thereof.
- 4] The applicant shall not tamper with the prosecution witnesses in any manner.
- 5] The applicant shall report to the concerned police on every Monday between 4.00 p.m. to 5.00 p.m. till filing of the charge-sheet.
- 6] The applicant shall not meet the victim girl till the trial is over.

Pune.
Date – 27.02.2017

(Mangala J. Dhote)
Additional Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno - S.V.Thakar,

Court Name - Mangala J Dhote, Additional Sessions Judge,
Pune.

Date of order - 27.02.2017

Order signed by P.O. - 27.02.2017

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