

CRI.B.A. No.159/2016

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 Section 4,6,8,11(4),12 of the Protection of Children from Sexual Offences Act, 2012 and under Section, 376(i), 354(D), 420, 506 (1) of the Indian Penal Code. It is alleged that, the applicant sent messages showing the love affairs of her with main accused to the victim girl Mehek. The photographs were also sent. She was emotionally blackmailed and mentally tortured which resulted into attempt to commit suicide by the victim girl by taking sleeping pills. This applicant therefore, helped the main accused in committing the said offences. 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 circumstantial evidence against the applicant. Investigation is practically over. There are no bad antecedents against the applicant. She is permanent resident of Pune, having roots over there. Hence, this is the application.

3] Heard learned counsel for both the sides. Heard Investigating officer API Gore, police station Hadapsar. Perused the record. It seems from the record that there are vague allegations against the applicant. She has no specific role attributed so far as the offences are concerned. There is no base as regards the messages or photographs. As regards the offence of rape and other offences, certainly there is no specific role

played by this applicant. Moreover, the applicant is the permanent resident of place mentioned having roots over there. Hence in my view the personal custody of applicant is not required for the purpose of investigation. With this, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Naz @ Nazmin Kadar Shaikh be released on executing P. R. bond of Rs. 15,000/, with one surety in the like amount.
- 3] The applicant shall supply documentary evidence of her permanent address and shall file affidavit in support thereof.
- 4] The applicant shall not tamper with the prosecution witnesses in any manner and shall co-operate the investigating agency as and when required.
- 5] The applicant shall not meet the victim girl till the trial is over.

Pune.

(Mangala J. Dhote)

Dated/ 16 -1-2016.

Additional Sessions Judge, Pune.

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

Name of Steno. :- S.U.Duraphe

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

