

CRI.B.A. No.4140/2016.**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 8 and 12 of the protection of Children from Sexual Offences Act,2012 and under Sections 354(D) and 509 of the Indian Penal Code. It is alleged that the victim girl and her friend were proceeding towards their village by their scooty. It is further alleged that when they came near Lonikand, one Zen car overtake them and a person who sat next to driver blink his eyes and make some gesture by hand and thereby outraged her modesty. FIR thus came to be lodged.

2] It is contended that the applicants have been falsely implicated in this case. There is no direct or indirect evidence against the applicant. Offences are bailable. It is contended that the applicant has been falsely implicated in this case. There is no direct or indirect evidence against the applicant. The investigation is practically over. There are no incriminating articles seized at the hands of applicant. There are no bad antecedents of the applicant. He is permanent resident of place mentioned, having roots over there. Hence, this is the application.

3] The application is opposed by the State by filing say. It is contended that the offence is serious. The investigation is yet to complete. It is submitted that if the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. The offence is serious one. Investigation is yet to complete. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. It seems from the allegations that the person who sat next to driver blink his eyes and make some gesture by hand. Under the circumstance, it is a fit case where the applicant should be released on bail. Offences are bailable. Moreover, the applicant is the 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 Nitin Kisan Natkar 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. until filing of the charge-sheet.
- 6] The applicant shall not meet the victim girl till the trial is over.

Pune.

(Mangala J. Dhote)

Date – 02.12.2016

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 - 02.12.2016

Order signed by P.O. - 02.12.2016
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