

CRI.B.A. No.18/2016**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 3,4,7, and 8 of the Protection of Children from Sexual Offences Act, 2012 and under Section, 376, 354 of the Indian Penal Code. It is alleged that on 18-11-2015 at about 2.00p.m. when the complainant, alongwith her family members including the victim girl were present at home, victim girl by telling that she is going to uterine, went away and did not return home. When complainant searched the victim girl, the girl found in the house of applicant wearing her salvar. When the complainant entered into the house of applicant, he fled away. On asking the victim girl she told that the applicant, by giving assurance of marriage, and by threatening,kept sexual relations with her. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. All the allegations are vague. There is no recovery/discovery at the hands of applicant. Investigation is practically over. 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 application is opposed by the State by filing say on Exh.4. It is contended that the offence is serious. Victim girl is minor aged 11 years. There is primfacie case against the applicant. 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. The rejection is thus prayed for.

4] Heard learned counsel for applicant. Perused the record. On perusal of record it seems that there was forcible sexual assault on a minor girl aged 11 years. The statement of victim girl shows that she has specifically named applicant for committing this act by giving threats to her. She further told that applicant committed rape on her from time to time. The medical evidence also supports the case of prosecution. So, in my view, the offence is very serious. Investigation is yet to complete. As such, it seems that there is a prima facie case against the accused. There is possibility of tampering with the prosecution witnesses. Considering all the above aspects, I find it fit to reject the application. With this, following order is passed.

ORDER

The application stands rejected.

Pune.

Dated 05-02-2016.

(Mangala J. Dhote)

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