

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. no. 92/18 registered at Wanawadi Police Station for the offence punishable under section 363, 376(f)(i)(j) of the Indian Penal Code and under section 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that grandmother of victim lodged report of her missing. During investigation and after recording statement of victim, it revealed that she was acquainted with applicant and he was their relative. There was love affair between them and they were talking each other, meeting each other. Wife of applicant suspected them. As per instance of applicant, on 28.02.2018 victim and applicant went to Pune Station and by train to Mumbai, they went in the house of daughter of uncle of applicant at Sathe Nagar, Bhiwandi and resided there. Applicant committed forcible sexual intercourse with victim in their house. The act was repeated by applicant on 02.03.2018.

3] According to applicant he is falsely implicated in this matter. There is friendship/love affair between him and victim. Family members of victim opposed their relationship. Applicant is 24 years old and pursuing his career. He is resident of Hadapsar, Pune and has no criminal antecedents. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Applicant will pressurize victim and witnesses. There is possibility of tampering the evidence. Applicant is

originally resident of Beed. So there is possibility of their absconding. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of victim role attributed to applicant can be gathered. Her statement shows that applicant is married, in spite of it she stated about love affair between her and applicant. As per her statement act of sexual intercourse was against her wish and it was repeated. Her medical reports are on record which shows there is evidence of vaginal penetration. Victim is 14 years old and her consent is not material.

6] Most importantly, investigation in this matter is in progress. So there is possibility of giving threats and pressure to victim. As per police report, applicant is originally resident of Beed and there is possibility of his absconding. Due to all above reasons and considering gravity of offence, at this initial stage, it is not proper to release applicant on bail. Therefore, following order is passed -

ORDER

The application is rejected.

Pune.

Date – 10.04.2018.

(R.V.Adone)

Addl.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	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 10.04.2018
Order signed by P.O.	- 10.04.2018
Order uploaded on	- 12.04.2018

