

ORDER BELOW EXHIBIT-1
IN C.M.P.[Bail] No.127/2016

1. This is an application seeking bail u/s 439 of Cr.P.C. in connection with Crime No. 196/2015, for the offence u/s 363 r.w. 34, 376 [1] of I.P.C., and u/s 4, 5 [L], & 6 of the Protection of Children From Sexual Offences Act, 2012 [for short 'POCFSO' Act] registered at police station Partur, Taluka Partur and Dist. Jalna.
2. Applicant submits that above said crime came to be registered against him on the basis of report lodged by father of victim on 16.12.2015. As per the report, daughter of informant namely Sheetal aged 16 years was missing since 12.12.2015. Therefore, informant searched for his daughter. He came to know that present applicant has kidnapped his daughter on 13.12.2015 at about 6.00 p.m. As per the informant, other co-accused have helped present applicant in committing aforesaid crime. Therefore, he lodged report against all of them. During the course of investigation, on 27.12.2015 victim Sheetal, accused Dinesh suo moto surrendered before the police and on 27.12.2015 police recorded statement of victim.
3. Applicant submits that police have arrested him in the aforesaid crime on 27.12.2015. He was in P.C.R. till 29.12.2015, and, since then he

is in M.C.R. The applicant submits that he did not commit any crime. False report has been lodged against him. He is the only earning member of family. Police have completed investigation in the crime. Therefore, he may be granted bail.

4. In this case PP appeared for State and filed his say below Exh.3. He submits that the victim is minor. The applicant is the main accused in the aforesaid crime. He kidnapped victim and committed rape on her. Investigation is in progress. Prima facie involvement of the applicant can be seen from police papers. Therefore, if the applicant is released on bail, there is chance of tampering of witnesses. Hence, he requested for rejection of this application.

5. Heard advocate Mr. S.M. Kulkarni, for the applicant and PP Mr. Deshpande, for the State, and, perused the papers.

6. Advocate for the applicant has shown that this court has granted anticipatory bail to co-accused in this crime. Now investigation has been completed by police. Therefore, this applicant may be granted regular bail. On perusing police papers, I find that present applicant is main accused in the aforesaid crime. Therefore, consideration for other co-accused cannot be applied to the present applicant. On perusing police papers, I find that there is sufficient prima facie material against the applicant for

involvement in the aforesaid crime. It has also revealed in police investigation that minor girl carried cash and ornaments while leaving the house. As per PP investigation about the same is still pending. As such considering all the material available on record, I find that investigation is still in progress. Therefore, it would not be appropriate to release the applicant on bail at this stage. Hence, I, prefer to reject the application, and, pass following order.

ORDER

Application is rejected.

Date: 15.02.2016

Sd/-
[Smt.Anagha V.Rotte]
Addl. Sessions Judge,
Jalna

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Certificate

I affirm that the contents of this PDF File are word to word as per original order.

Name of the Steno	:	Shaikh N.R.,
Name of Court	:	District Judge-1 and Addl. Sessions Judge, Jalna
Date	:	15.02.2016

Sd/-
[Shaikh N.R.]