

Order Below Exh- 03

(Passed on 25th October, 2018)

CNR NO: MHPU01-006970-2017

Applicant/accused Natha Dhondu Kedari moved present application under section 439 of Code of Criminal Procedure for bail in Crime No. 44/2017 of Police Station Lonavala (Rural), Pune for the offence punishable under sections 376, 506 of Indian Penal Code r/w section 3,4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 18/03/2017 informant Manisha Yeole resident of Kusgaon vadi, Maval, Pune lodged the report to the effect that, she is residing along with one son and one daughter. Her daughter is 10 years old. She is doing work as a maidservant. Natha Kedari residing in the same lane where she is residing along with her children. On 18/3/2017 at about 4.00 p.m. she came back to house. At that time, her daughter started crying. She took her in confidence and she narrated that Natha Kedari harassing her and also chasing her. She further narrated that before four to five days of Holi festival she was going outside the house for playing. At that time Natha Kedari called her in the house by showing chocklate. He removed her clothes, laid her on the bed and also removed his clothes. He slept over her person. Earlier also for four to five times he did same thing with her. However, she has not narrated about it due to fear. Thus, according to the informant victim is a minor girl aged about 10 years and was sexually assaulted.

3. On the basis of such report offence as referred above came to be registered with Police Station Lonavala (Rural),Police Station, Pune. During investigation statement of the witnesses including victim came to be recorded. On completion of investigation charge-sheet submitted before the Spl. Court, Pune.

4. It is the case of the applicant/accused that all the allegations are false. He has not committed any offence. There is a dispute between the family members of the applicant and of the informant. To put pressure on the applicant false report filed. The investigation is over. Charge-sheet is filed. He is ready to abide with the terms. He prayed for grant of bail.

5. The prosecution has opposed prayer by filing reply below Exh. 4 and 5. It is the contention of the prosecution that the offence is serious in nature. There is involvement of the applicant in the crime. Possibility of committing similar type of the offence and tampering is there. Possibility of absconding cannot be ruled out. State has prayed for rejection of the application.

6. Heard learned Additional Public Prosecutor and learned Advocate for the accused/applicant. Perused the charge-sheet. Both the sides have argued as per their own case. At the outset the learned advocate for the applicant/accused made a statement at Bar that this is the first bail application and earlier neither application filed nor rejected. Such statement is accepted. The learned advocate for the applicant relied upon case of **Nagesh @ Gotya Prakash Valke Vs. State of Maharashtra, Bail Application No. 606/2018 decided on 11/06/2018**. I have gone through with the observations and very much guided.

7. Perusal of the statement of the victim it reveals that, prima facie involvement of the applicant/ accused is there. Prima facie the victim is 10 years minor girl. The medical report of the victim prima facie reveals small tear to the hymen and it was widened. Thus prima facie case is there. The offence is serious in nature. In such a situation possibility of tampering cannot be ruled out. The facts of the case of **Nagesh**, cited supra, are some what different than the case in hand. Taking into consideration overall aspect of the matter and in the given facts and circumstances of the case, I am not inclined to release applicant/accused by using discretion. The application is therefore rejected.

Place -Pune.
Date – 25/10/2018

(M. R. Purwar)
Addl. Sessions Judge,
Pune

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the assigned Judgment.

Name of stenographer	:	B.D. Gaikwad, Steno (Grade 1)
Court	:	Shri M.R. Purwar Addl. Sessions Judge Pune
Date	:	25/10/2018
Judgment signed by the Presiding Officer on	:	25/10/2018
Judgment uploaded on	:	26/10/2018

