

ORDER BELOW EXH.1

1] Perused the 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. 544/18 registered at Chaturshurungi Police Station for the offence punishable under section 354 of Indian Penal Code and under Sec. 7,8,9(l), 9(n) and 10 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 16 years lodged report stating that on 28.10.2018 at 10.30 p.m after taking dinner they slept. Applicant is father of victim. At 1.30 a.m., victim shouted that what Pappa was doing with her. First informant woke up and victim told her that applicant inserted his hand in her nicker and touched her private part. First informant asked applicant reason of the same but he kept silence. Upon inquiry it revealed that since 2 years,applicant used to touch her chest inappropriately, he used to hug her and he became nude in front of her daughter many times. As applicant outraged modesty of victim, report is filed on 29.10.2018.

3] According to applicant he is falsely implicated in this matter. He is permanently residing at Janwadi, Pune. He has no criminal antecedents. First informant falsely implicated to him. He is ready to abide the conditions, he prayed to release him on bail.

4] APP objected this application on the ground that investigation is in progress. Report is immediately filed after incident dt. 28.10.2018. Considering relationship and age of victim applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. Concerned police did not file

papers, though correspondence was made. Further on 01.12.2018 on behalf of original complainant one application and affidavit is filed stating that applicant is earning member of his family, therefore due to weak financial condition she gave no objection to bail application. In that regard APP for state submitted that this is tampering of evidence. Considering gravity of offence, and as investigation is in progress she prayed to reject the application.

5] Allegations against the applicant are serious. From the statement of first informant role attributed to applicant can be gathered. There is allegation of touch to private part of victim by applicant and inappropriate touch to both daughters etc. Investigation in that regard is going on. Considering relationship applicant is in influential/ dominating position of victim. There is possibility of giving threat and pressure to victim and witnesses by applicant. Therefore, as investigation is going on, at this initial stage, due to gravity of offence to release applicant on bail. Therefore, application deserves to be rejected with following order.

ORDER

The application is rejected.

Sd/---

Pune.
Date -06.12.2018.

(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 - Mrs. V.N. Bankapure Steno -I,
Court Name - Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Judgment - 06.12.2018
Judgment signed by P.O. - 06.12.2018
Judgment uploaded on - 06.12.2018

