

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 245/2023 registered with Warje Malwadi police station for the offences punishable under Sections 354-D, 506 of the Indian Penal Code and under Sections 11(iv), 12 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application. The victim has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and police papers.

4] The FIR indicates that the victim aged 15 years has lodged a report against the applicant. In the year 2022, she was studying in 9th standard and used to go to attend tuition classes at Shahu Colony Lane no. 7, Karve nagar, Pune. On the way to the tuition class, there was one stall of Kacchi Dabeli adjacent to Cummines College and one boy was selling said snacks. The victim used to go to attend tuition class in the evening 05:00 to 07:00 pm and she used to go by walk. Always the said boy was staring her. One day, he disclosed that he love the victim and the victim refused. The said boy had taken her

mobile number from someone and started harassing the victim by giving phone calls to the victim. The victim told him not to give phone call to her and at that time, he gave threat of his life. In the said period, the victim came to know his name i.e. the applicant. The victim told about the applicant to her father. The father of the victim also gave understanding to the applicant. In spite, he was harassing the victim by giving her phone call at night time. On 14.04.2023 even the applicant followed her school bus. Thereafter, also the applicant continued to give phone calls to the victim. Therefore, the victim has lodged the report against the applicant on 18.06.2023.

5] It seems that the police have seized the mobile phone of the applicant. Considering the nature of the allegations and as almost the investigation has been completed, it is just and proper to release the applicant on bail, by imposing stringent conditions upon him. Therefore, application is to be allowed. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Farman Sharafat Hussain** shall be released on bail upon furnishing P.R. bond in the sum of Rs. 75,000/- with one or two surety in the like amount.
- 3] The applicant shall attend concerned police station on every Monday and Friday between 10.00 am to 11.00 am till filing of the charge-sheet.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.

- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing and shall not enter within the jurisdiction of Warje-Malwadi police station.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date –28.07.2023.

(S.P. Ponkshe)
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	- Nitin M. Shinde (Steno G-3)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 28.07.2023
Order dictated on	- 28.07.2023
Order transcribed on	- 29.07.2023
Order signed by P.O.	- 29.07.2023
Uploaded on	- 01.08.2023