

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. 439/2018 registered at MIDC Bhosri Police Station for the offence punishable under sections 354, 354(D) and 506 of the Indian Penal Code and under section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years lodged report stating that on 14/11/2018 at 7.30 p.m., her maternal brother i.e. applicant came to her house, forcibly hold her hand, she refused, but applicant tried to create intimacy with her and thereby outraged her modesty. He threatened to kill her parents if she refused to marry with her. Applicant also used to follow another victim i.e. maternal sister of first victim till her college and told her that he loves her. He thereby outraged modesty of another victim.

3] According to applicant he is falsely implicated in this matter. He is taking education in B.Com, 2nd year. Being relative, there were friendly relationship between him and victims. His career will spoil if he remained in jail for unknown period. Applicant has no criminal antecedents. He is temporarily resident of Moshigaon, Pune. He is permanently residing at Ausa, Dist. Latur. Investigation is practically over. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] A.P.P. and I.O. objected this application on the ground that investigation is in progress. Statement of victim under section 164 of Cr.P.C. is yet not recorded. Applicant and victim are relatives. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. Considering nature of offence and allegation, investigation is practically over. Personal custody of applicant is not required. Applicant is student and pursuing his career. He is only 21 years old and his family members are depending on him. He is resident of Vadgaon Budruk, Pune. Applicant has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons and as applicant is resident of Pune, application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Baba alias Babalu Arjun Gaikwad be released on executing P.R. bond of Rs. 25,000/- with one or two solvent sureties in the like amount.
- 3] The applicant shall not tamper the prosecution witnesses in any manner.
- 4] The applicant shall attend MIDC Bhosri Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.

- 5] The applicant shall not meet the victim and threat and pressurize the victim and witnesses.
- 6] The applicant shall co-operate investigating machinery as and when required.
- 7] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.
Date – 04/12/2018

(R. V. Adone)
Addl. Sessions Judge, Pune.

I affirm that the contents of this PDF file Order are same word for word as per original Order.

Name of Stenographer	Pranjali Prasad Bokil (Stenographer – Grade-II)
Court Name	R .V. Adone Addl.Sessions Judge, Pune
Date of Order	04/12/2018
Order signed by Presiding Officer on	04/12/2018
Order uploaded on	04/12/2018