

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.453/18 registered at Hinjwadi Police Station for the offence punishable under section 376, 354 of the Indian Penal Code, section 3(C), 7, 8, 5(K), 5(N), 5 (L) of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged the report stating that victim aged about 13 years is deaf. On 07.09.2018 she received call from her school teacher who informed that victim narrated to them that since 2013 till 16.08.2018 applicant i.e. her father did obscene acts with her, pressed her chest, touched her inappropriately, kissed her and touched her private part.

3] According to applicant he is falsely implicated in this matter due to long standing family dispute between first informant and applicant. There is substantial delay in lodging report. He is earning member of Family. He is in jail since 11.09.2018. Applicant is resident of Bavdhan Bk., Dist. Pune. He has no criminal antecedents. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Victim is only 13 years old and deaf. In her statement under section 164 of code of criminal procedure she narrated in detail about forcible sexual intercourse with her by applicant. Medical reports are on record. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses and there is possibility of absconding of accused. So, they

prayed to reject the application.

5] Allegations against the applicant are serious. From statement of victim and first informant role attributed to applicant can be gathered. There is allegation of forceful sexual intercourse and inappropriate touch to victim by applicant since 2013 till August 2018. About matrimonial and other dispute there is nothing on record at present. As per prosecution case victim is deaf and dumb. Medical report prima facie supports prosecution case. Considering relationship applicant is in dominating position over victim. There is possibility repeating the act. Investigation is still going on. Victim narrated in detail what had happened with her. Considering gravity and nature of offence applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. Therefore considering gravity of offence and relationship at this initial stage it is not proper to release applicant on bail. Therefore, application deserves to be rejected with following order.

ORDER

The application is rejected

Pune.

Date – 01/12/2018

sd/--

(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	S. M. Badekar (Stenographer – Grade-III)
Court Name	R .V. Adone Addl.Sessions Judge, Pune
Date of Order	01/12/2018
Order signed by Presiding Officer on	01/12/2018
Order uploaded on	04/12/2018