

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State. Perused written reply filed by original complainant.

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. 184/18 registered at Vadgaon Maval Police Station for the offence punishable under section 376(a)(b) of the Indian Penal Code and under section 4,8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of victim lodged report stating that victim is 8 years old and they are residing at Indradhanushya Park, Wahangaon, Tal-Maval. Applicant is working as a cook on said farm and resides in the farm. On 31.08.2018 wife of first informant came with victim and told that applicant called victim in kitchen under pretext of giving chocolate, took his frock upwards and fingered in her vagina. He made her to move her hand from his body. Victim started paining at her vagina.

3] According to applicant he is falsely implicated in this matter. There is delay in lodging report. It is not practicable that medical treatment was not given to victim till filing of First Information Report. Real dispute took place due to reason that applicant did not cover milk and first informant made complaint about the same. Therefore, police filed complaint at the instance of first informant wrongly. Old aged parents of applicant are depending on him. Applicant is working at Pune and permanently residing at State of Rajasthan. 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. Applicant is permanently residing at State of Rajasthan so there is possibility of his absconding. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of first informant and victim role attributed to applicant can be gathered. Victim specifically narrated about act of fingering in her vagina by applicant. Victim is only 8 years old and applicant is 25 years old. Medical report of the victim shows same history and it is opined that possibility of vaginal penetration cannot be ruled out. Considering age of victim and fact that applicant is residing in same farm, there is possibility of giving threat and pressure to victim and witnesses. Investigation is in progress and applicant is permanently residing at State of Rajasthan, therefore, there is possibility of his absconding . Hence, at this initial stage, considering gravity of offence, 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 – 20.10.2018.

(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

- S.V.Thakar,

Court Name

- Smt. R.V.Adone, Addl.Sessions Judge,Pune.

Date of Order

- 20.10.2018

Order signed by P.O. - 20.10.2018
Order uploaded on - 23.10.2018