

**ORDER BELOW EXH.1**

1] This application has been filed by the applicant for seeking pre-arrest bail u/s. 438 of Code of Criminal Procedure in connection with CR No. 206/2023 registered with Samarth police station for the offences p/u/s. 354, 354-D, 323, 504 and 506 of the Indian Penal Code and p/u/s. 11 and 12 of the Protection of Children from Sexual Offences Act. [Hereinafter Indian Penal Code referred to as “IPC” and 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.

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

4] The FIR indicates that the father of the victim has lodged a report in respect of the incident with the victim occurred on 13.09.2023. The applicant was whistling on the victim aged 13 years on 13.09.2023 at around 7.30 p.m. when she was entered in their building. The victim disclosed that the applicant earlier also used to give whistle on seeing the victim and used to give dash to the victim for no reason and used to laugh at her. The informant asked about the same to the applicant and at that time, the applicant abused him and beat him. The statement of the victim discloses that she has reiterated the incidents.

5] The applicant has filed the documents which discloses that on

the day of the alleged incident, the mother of the applicant and grandfather of the applicant had been gone to Samarth police station and they were sent by the police for medical examination as they had been beaten. They went to lodge a report but the police sent them to the hospital. Thus, considering the accusations and nature of their disputes, it appears that custodial interrogation of the applicant is not necessary. Hence, it is just to grant pre-arrest bail to the applicant by imposing conditions upon him. With this I proceed to pass following order.

**ORDER**

- 1] The application is allowed.
- 2] Ad-interim protection granted to the applicant is hereby confirmed.
- 3] In the event of arrest of the applicant Aniket Santosh Gade in connection with C.R. no. 206/2023 registered with Samarth police station for the offences p/u/s. 354, 354-D, 323, 504 and 506 of the Indian Penal Code and p/u/s. 11 and 12 of the Protection of Children from Sexual Offences Act, be released on executing P.R.bond of Rs.50,000/- with one surety in the like amount.
- 4] The applicant shall attend concerned police station on every Monday between 11.00 a.m to 2.00 p.m. till filing of the charge-sheet.
- 5] The applicant shall not tamper the prosecution evidence in any manner.
- 6] The applicant shall cooperate investigating machinery.
- 7] The applicant shall not harass, threat and pressurize first informant and witnesses.

- 8] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.

Pune.

Date – 24.11.2023.

(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.

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| Name of Steno        | - S.V. Thakar (Grade-1)                              |
| Court Name           | - Smt. S. P. Ponkshe, Addl. Sessions Judge,<br>Pune. |
| Date of Order        | - 24.11.2023                                         |
| Order dictated on    | - 24.11.2023                                         |
| Order transcribed on | - 24.11.2023                                         |
| Order signed by P.O. | - 27.11.2023                                         |
| Uploaded on          | - 27.11.2023                                         |