

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. 934/2023 registered with Pimpri police station for the offences p/u/s. 323 of the Indian Penal Code and p/u/s. 8,12 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 the Charge-sheet.

4] The mother of the victim has lodged a report against the applicant by making allegations against him that the applicant is having his chicken shop near the shop of the brother of the informant and on 15.09.2023 at around 11.00 a.m., the victim went to bring milk from the grocery shop and at that time, the applicant called the victim in the shop under pretext to give her chocolate. He made the victim to sit on the lap and he kissed the victim. The informant and her mother went to ask about the same to the applicant and they told him they were not talking terms with him since two years and why he gave chocolate and did the acts with the victim. Then the applicant beat the informant and her mother and therefore, the informant has

lodged the report against the applicant.

5] The statement of the victim discloses that the victim has reiterated the incident and stated that the applicant used to call the victim and used to kiss on her cheek and used to touch her abdomen and hairs. It appears that the investigation has been completed and the charge-sheet is filed. Considering the allegations, there is no question of recovery or discovery from the applicant. In the facts and circumstances, custodial investigation 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 Salim Suleman Mulani, in connection with C.R. no. 934/2023 registered with Pimpri police station for the offences p/u/s. 323 of the Indian Penal Code and p/u/s. 8,12 of the Protection of Children from Sexual Offences Act, be released on executing P.R. bond of Rs.15,000/- with one surety in the like amount.
- 4] The applicant shall attend concerned police station as and when called by the investigating officer.
- 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 – 01.03.2024.

(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	-	S.V. Thakar (Stenographer G-1)
Court Name	-	Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	-	01.03.2024
Order dictated on -		01.03.2024
Order transcribed on	-	01.03.2024
Order checked signed by P.O.	-	01.03.2024
Uploaded on	-	02.03.2024