

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 714/2023 registered with Chikhali police station for the offences punishable under Sections 354, 354-D, 323, 504 of the Indian Penal Code and under Sections 11,12 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the 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.P.P. for the State. Perused application, say filed by the prosecution and police papers. Perused documents tendered by the applicant i.e. whats app chats and photographs.

4] The victim aged 17 years has lodged the report against the applicant. The applicant is brother-in-law of the relative of the victim. He is 21 years old. The victim is attending classes in the evening at 6.30 p.m. to 8.00 p.m. and after class since 4 to 5 days before lodging a report the applicant was following her. On 30/10/2023 at around 8.30 p.m. the applicant caught hold the victim hands and her hairs and pulled her clothes on the road near Gosavi Hospital. He abused her and beat her.

5] It appears from the photographs and the whats app chats that the applicant and the victim are having love affair. The victim has not made disclosure of the same in her report. It appears that there has occurred some quarrel between the applicant and the victim and it resulted in to the alleged incident. Considering the nature of the allegations and the punishment provided for the offence the further detention of the applicant behind the bars is not required. While granting the bail to the applicant, it is necessary to imposed stringent conditions upon the applicant. Thus, application is to be allowed. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Mahesh Balu Wawale** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every Monday and Friday between 10.00 am to 11.00 am till filing of the charge-sheet.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.

- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 10.11.2023.

(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.

Name of Steno	- Smt. Yevale (Steno G-3)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 10.11.2023
Order dictated on	- 10.11.2023
Order transcribed on	- 10.11.2023
Order signed by P.O.	- 10.11.2023
Uploaded on	- 10.11.2023