

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.114/19 registered at Nigdi Police Station for the offence punishable under Section 376, 376(n), 323 and 504 of IPC and under Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 16 years 5 months lodged report stating that in October 2018 victim told her and her mother, at about 1.00 p.m. she returned from school, nobody was in her house, her grandmother went for the work of cleaning utensils, victim went in bathroom and was wearing cloths, at that time applicant i.e. her father came in house and forcibly committed sexual intercourse with her. She refused and started crying, but he threatened to kill her and her mother if incident was disclosed to anyone. Later on act was repeated by applicant from time to time, but due to fear victim did not disclose the same.

3- According to applicant, he is falsely implicated in this matter. He is working as a driver. His family members are depending on him. There is delay in lodging report. Investigation is practically over. Applicant is 36 years old and earning member of family. He is resident of Nigdi, 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. Applicant has committed repeated act of forcible sexual intercourse with his own daughter. Victim is only 16 years old. There is no safety of victim in her house and there is possibility of repeating offence by applicant. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. 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 stated about repeated forcible sexual intercourse by applicant i.e. her father and he threatened to kill her and her mother if incident was disclosed. Medical examination of victim is conducted, wherein she stated similar history and medical officer opined that, from clinical examination there is evidence of vaginal penetration. Victim is only 16 years old and applicant is her father. Considering relationship there is every possibility of giving pressure by applicant to victim and witnesses. Hence, there is possibility of tampering prosecution evidence. Due to nature and gravity of offence and as investigation is going on, considering prima facie involvement of applicant in offence at this stage it is not proper to release applicant on bail. Due to all above reasons, application deserves to be rejected with following order.

ORDER

The application is rejected.

Pune.
Date -03.04.2019

Sd/-
(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.K. Sayyad, Steno Grade I
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 03.04.2019
Order signed by P.O.	- 03.04.2019
Order uploaded on	- 04.04.2019