

Order Below Ex.1.

The two applicants/accused have moved this court under Section 438 of The Code of Criminal Procedure for the offence punishable under Sections 354 read with 34 of the Indian Penal Code and under Ss.11 and 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that the applicant No.1 tried to outrage the modesty of the victim girl aged about 16 years by making some gestures towards her and calling her towards accused No.1 and said to her that, accused No.1 has sufficient money and he liked the prosecutrix. He gave proposal of marriage to the prosecutrix. Said fact was disclosed to the mother of prosecutrix by her. The mother of the prosecutrix then lodged the FIR against the accused. The accused came to be arrested.

2] It is contended that applicants are innocent. They are falsely implicated in this case. There is one day delay in lodging FIR. There was no bad intention of the accused to meet the victim. The entire story is concocted. The offence is not serious. The personal custody of the applicants is not required. They are permanent resident of Shirur, Dist. Pune, having roots over there. Hence, this is the application.

3] Say is not filed by the State however, APP Smt. Pathak and learned counsel for the accused Adv. Thombare were heard. Perused the FIR. On perusal of FIR it seems that, the proposal of marriage was given by the accused to the prosecutrix and there was conversation made in this regard between the accused and victim girl. Accused himself did not gave his mobile number to the victim girl. So considering the recitals of the FIR, I find at this stage that nothing

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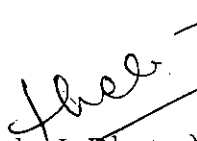
seems to be there to attract Sec.354 of Indian Penal Code. It is true that the investigation is in progress however, the personal custody of the applicants is not required for the purpose of investigation. So considering the nature of the offence and the permanent roots of the applicants at Shirur, I find it just and proper to give them protection. With this, following order is passed.

ORDER

- 1] The application is allowed.
- 2] In the event of arrest of the applicant Nos.1 and 2, they be released on their executing P. R. bond of Rs.15,000/- each with one surety in like amount.
- 3] The applicants shall report to the concerned police once in a week i.e. on Monday between 12 a.m. (noon) to 2.00 p.m. until filing of charge-sheet.
- 4] The applicants shall not tamper with the prosecution evidence in any manner.
- 5] Inform the concerned police accordingly.

Pune.

Dated/- 30-10-2014.


(Mangala J. Dhote)

Additional Sessions Judge, Pune.