

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.87/2019 registered at Khadaki Police Station for the offence punishable under section 363, 366(A) of the Indian Penal Code and under section 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged report of her missing and against present applicant. During investigation and after recording statement of victim it revealed that, she was acquainted with applicant. There was love affair between them since 2017. They were talking and meeting each other. Her family members opposed their relationship and they decided to perform marriage with other boy. She told about this to applicant and applicant asked her to marry by running away. On 18.02.2019 they both went to Indore by Luxury bus and celebrated birthday of applicant. They were wandering and applicant hold her hand, kissed her at forehead with sexual intention and thereby outraged her modesty.

3- According to applicant he is falsely implicated in this matter. It is case of Love affair. Applicant is ready to marry with victim after attaining majority. Investigation is almost over. Applicant is taking education and his career will spoil if he remained in jail for unknown period. Applicant is permanently residing at Dighi

Road, 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 will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. Applicant has criminal antecedents and various offences are registered against him since 2015. There is possibility of his absconding. So, they prayed to reject the application.

5- Allegations against the applicant are serious. Applicant is sufficiently interrogated. From statement of victim role attributed to applicant can be gathered. It appears that due to love relationship applicant and victim went away from house and went to Indore. Victim is 17 years old and has attained age of sufficient maturity. She did not complain at any time but voluntarily left the house. There are mitigating circumstances. Considering nature of offence and allegations investigation is practically over. Personal custody of applicant is not required. Applicant is resident of Dighi Road, Pune. He is taking education. There is no allegation of sexual assault. Victim refused for medical examination. Therefore only filing of various cases against applicant is not ground to deny him bail. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons and as applicant is resident of Pune, application deserves to be allowed with following order.

ORDER

- 1- The application is allowed.
- 2- The applicant Dinesh Khetaram Chaudhari be released on executing P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- 3- The applicant shall not tamper the prosecution witnesses in any manner.
- 4- The applicant shall attend Khadaki Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge- sheet is filed.
- 5- The applicant shall not meet the victim and threat and pressurize the victim.
- 6- The applicant shall co-operate investigating machinery as and when required.
- 7- Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.
Date -26.03.2019

(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.V.Hirve,
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 26.03.2019
Order signed by P.O.	- 27.03.2019
Order uploaded on	- 27.03.2019