

ORDER BELOW EXH. 1 IN CRI.BAIL APPLN. NO. 1234/2019
(CNR No.MHPU01-003713-2019)

Ganesh Ramesh Lodha

V/s

State

(PSO Kondhwa Police Station)

[1] This is a bail application under Section 439 of Cr.P.C. for the grant of bail to Applicant- **Ganesh Ramesh Lodha** for the offences punishable under Section 363, 376(n) of I.P.C. and u/s. 4,6,8 & 10 of POCSO Act in C.R. No. 835/2018 registered at Kondhwa Police Station.

[2] Perused the application and say filed by Ld. APP. I have heard both the sides and perused the material placed on the record.

[3] The prosecution case in brief is that, the victim girl alleged that on 20.12.2018 her mother had lodged a complaint with Kondhwa police station u/s. 363 of IPC. It alleged that the applicant/accused called her near Kondhwa bus stop and took her to an unknown destination. He promised to marry with her and committed sexual intercourse. The accused threatened the victim girl with dire consequences, therefore, victim stayed with the applicant/accused till 10.02.2019. On these allegations, the Applicant came to be prosecuted.

[4] The Ld. Counsel for the Applicant submitted that, he is falsely implicated in this case. The victim and accused having love affair. The victim herself joined the company of accused/applicant. The victim is aged about 17 years having sufficient maturity knowing that what she is doing. The victim girl had left the parental house on three

different occasion. There is delay of 8 days in filing the FIR. The victim is with the applicant for almost 2 months, but in the said period she did not raise an alarm nor tried to flee from the custody of the applicant. The applicant is aged about 20 years and taking education. If he remained in Jail with hardcore criminals, then, his life would be spoiled. There is no previous criminal antecedents against the accused. There is no over act against the accused/applicant. Nothing has to be recovered at the hands of applicant/accused. Hence, prayed that the applicant be released on bail by imposing suitable conditions.

[5] On the other hand, the Ld. APP submitted that there is prima facie accusation against this applicant. It submitted that, if applicant released on bail, then, he may commit such type of offence and pressurised the victim. The offence is serious. The investigation is in progress. Hence, prayed that, the application is liable to be rejected.

[6] After considering this submission of both the sides and perusing the material placed on record, it reveals that, nothing has to be recovered from the accused. The victim is aged about 17 years and having sufficient maturity. She herself joined the company of applicant/accused and stayed with him for two months. The applicant is ready to abide all the terms and conditions imposed by the Court. His custody is not required for the purpose of investigation. The investigation is practically completed. The applicant is young aged boy of 20 years. The trial would take its own time to complete it. Considering the facts and circumstances of the case, there is no hurdle to release the applicant on bail by imposing suitable conditions. Hence, I proceed to pass the following order :-

ORDER

[1] Application (Exh.1) is allowed.

[2] **Ganesh Ramesh Lodha** be released on bail for the offences punishable under Section 363, 376(n) of I.P.C. and u/s. 4,6,8 & 10 of POCSO Act in C.R. No. 835/2018 registered at Kondhwa Police Station, on executing P.R. Bond of Rs.25,000/- along with one or two solvent sureties of the like amount on the following conditions :--

- (a) he shall not tamper with the prosecution evidence.
- (b) he shall co-operate the investigation agency as and when required.
- (c) he shall attend the police station on every Saturday in between 11.00 a.m. to 01.00 p.m. till filing of charge-sheet.

[3] He shall produce his Aadhar card, electricity bill and mobile number etc. to show his permanent place of residence, at the time of furnishing surety in the court.

Pune
Date : 19.03.2019

Sd/-
(G.P.Agrawal)
I/c. Additional Sessions Judge,
Pune.

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CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word as per original order.

Name of Steno	:	Smt. S.N.Kale
Name of Court	:	G.P.Agrawal (I/c)
		Addl. Sessions Judge,Pune.
Order delivered on	:	19.03.2019
Order signed on	:	19.03.2019
Order uploaded on	:	20.03.2019