

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.329/18 registered at Kothrud Police Station for the offence punishable under section.354, 354A (3), 509 of the Indian Penal Code and under section.7, 8, 11(1) and 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that Chief Executive Officer of P.B.Jog English Medium School lodged report stating that on 05/10/2018 at 10.30 a.m. victims 1 to 3 came in her Cabin, victim no.1 told him that Peon i.e. applicant did bad act with her on 03/10/2018 when she was coming out of toilet of school, applicant was standing with wooden stick used for ringing bell and asked her whether he would insert it. Victim no.2 told that on 03/02/2018 applicant touched her chest, but she ignored, later on when teachers taught about bad touch, she narrated incident to her. Mother of victim no.3 told that when she was studying in 8th std., applicant used to say obscene words to her, touched her inappropriately and told her that he would show obscene pictures and videos to her, applicant thereby outraged modesty of victims.

3] According to applicant he is falsely implicated in this matter. He is earning member of his family. He is serving as Peon of P.B.Jog English Medium School since 27 years and during his service tenure no single allegation was made against him. There is delay of 14 days in lodging report. He is permanently residing at Kothrud, 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 victims and witnesses. There is possibility of tampering prosecution evidence and witnesses. There is possibility of his absconding. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of first informant and victims, role attributed to applicant can be gathered. Victims narrated in detail about the acts of applicant. There is allegation of touch to chest of victim no.2 and inappropriate touch to victim no.3. Investigation in that regard is going on. Advocate of applicant submitted that he is falsely implicated due to school politics., He relied on documents i.e. copy of Writ Petition filed by applicant and others against Deputy Director of Education and P.Jog Education Trust, but same is filed in the year 2014. He further relied on news published in newspaper dated 12/07/2018 and 10/07/2018 in respect of action against Jog Trusts School.

6] As stated above, three victims are involved in this matter. Moreover, investigation is in progress and there is possibility of giving threat and pressure to victims and witnesses. There is possibility of tampering prosecution evidence. Hence, at this initial stage, considering gravity of offence and as investigation is in progress, it is not proper to release applicant on bail. Due to above reasons, application deserves to be rejected with following order.

ORDER

The application is rejected.

Pune.
Date – 27/11/2018.

(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.

Court Name	-	Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Name of the steno	-	Smt. Parveen Shaikh , Grade - I
Date of order	-	27.11.2018
Judgment signed by P.O.	-	27.11.2018
Judgment uploaded on	-	30.11.2018