

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] This is second bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. no. 710/18 registered at Yerawada Police Station for the offence punishable under section 354,354A,509 of the Indian Penal Code and under section 7,8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged report stating that victim used to attend tuition of Merry Didi who resides behind the house of first informant. On 01.10.2018 first informant received call from her husband who told that Principal of the victim aged about 13 years called them in school. When they went to school Principal madam told about sexual assault on victim by father of Merry Didi. Upon inquiry with victim she told that on 25.09.2018 she kept her school bag at terrace of the house and at 7.00 p.m. went to terrace for taking books, applicant i.e. father of Merry Didi was on terrace he woke up, open the zip of his pant and showed her his penis. Victim asked him what he was doing, he made gestures and told that it would be inserted so victim was frightened and did not said anything to anyone. On 27.09.2018 she went on terrace for keeping her bag, applicant hold her, moved his hand from her chest. So, she ran away from there. Later on she told incident to her class teacher.

3] According to applicant he is falsely implicated in this matter. He is senior citizen and suffering from various diseases including heart disease. Dispute took place between him and first informant due to reason of tuition fees. Therefore, he is falsely involved

in this matter. There is delay of 5 days in lodging report. Most importantly after completion of investigation charge-sheet is filed. He is ready to cooperate investigating machinery . He is resident of Yerawada, Pune. As applicant is suffering from various diseases undergone eye surgery, his medical grounds are to be considered. 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 charge-sheet is filed against the applicant. There is danger to life of victim from the applicant. Applicant will repeat offence. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. At present charge-sheet is filed after completion of investigation. From statement of first informant and victim role attributed to applicant can be gathered. According to applicant he is suffering from various disease and in that regard he filed on record certificate issued by department of cardiology and medical papers of Osmania General Hospital, Hyderabad. Recently left eye cataract surgery was done on the applicant and medical papers are filed on record. Medical papers of Osmania General Hospital are of 1997 and 2014.

6] Considering age and medical grounds of the applicant and as charge-sheet is filed, personal custody of applicant is not required. However, in view of gravity of the offence it is proper to impose strict conditions. Applicant has no criminal antecedents. He is resident of Yerawada, Pune . In view of all above reasons and gravity of the offence application deserves to be allowed with strict conditions and

following order is passed -

ORDER

- 1] The application is allowed.
- 2] The applicant Anand @ Jawan Kamalakar Ronald be released on executing P.R. bond of Rs.40,000/- 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 Yerawada 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, shall not repeat the offence and shall not enter into vicinity of the residence of 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 – 21.11.2018.

(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.

Name of Steno	- S.V.Thakar,
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 21.11.2018
Order signed by P.O.	- 21.11.2018
Order uploaded on	- 23.11.2018

