

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.318/18 registered at Vishrantwadi Police Station for the offence punishable under section 354, 354 (A)204,376(2) F I J of the Indian Penal Code, section 3,4,7,8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged the report stating that victim aged about 16 years returned home from private tuition classes at 8.35 a.m. and went to school without breakfast and tiffin on 15.10.2018. She was in tension. At 10.00 a.m she was weeping in house. Upon inquiry she told that applicant i.e. is her private class maths teacher sat near her during entire class on 15.10.2018, touched her inappropriately, inserted his hand in her nicker and did fingering, also touched her chest. She narrated about the same to her friend who told that prior to 15 days applicant touched her at back and chest inappropriately.

3] According to applicant he is falsely implicated in this matter. Applicant is taking tuition classes since 2005. His wife is also taking tuition classes with him. They are reputed person. CCTV cameras are installed in classes since 2017 when incident took place. CCTV hard disc, DVR was already collected by police. Applicant also produce pen drive of CCTV to show allegations against him are false. He is earning member of family. Applicant is resident of Dhanori., Dist. 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. Two victims are involved in this matter. Victims are studying in 10th Std. They are in frightened condition. Therefore, Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses . So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of victims and role attributed to applicant can be gathered. There is allegation of inappropriate touch, fingering and pressing of chest by applicant . Applicant is private class teacher and he is in dominating position over victims. Applicant tried to show that his intention is bonafide as CCTV cameras are installed and its pen drive is filed on record. Applicant tried to show absence of other victims by filling attendance sheet. Same is part of investigation. Statement of victim shows that by keeping book in front, act was done. From police papers prima facie involvement of applicant can be gathered. Therefore as investigation is in progress, at this initial stage it is not proper to release applicant. on bail. Applicant will pressurize victim and witnesses. Therefore in view of gravity of offence at this initial stage it is not proper to release applicant on bail. Hence, application deserves to be rejected with following order.

ORDER

The application is rejected

Pune.
Date – 01/12/2018

sd/--
(R.V.Adone)
Addl.Sessions Judge, Pune.

I affirm that the contents of this PDF file Order are same word for word as per original Order.

Name of Stenographer	S. M. Badekar (Stenographer – Grade-III)
Court Name	R .V. Adone Addl.Sessions Judge, Pune
Date of Order	01/12/2018
Order signed by Presiding Officer on	01/12/2018
Order uploaded on	04/12/2018