

ORDER BELOW EXH.1

1] Perused the application and say. Heard Advocate for applicant and APP for the State. Perused reply given by original complainant.

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. 1051 registered at Lonikand Police Station for the offence punishable under sections 376(2)(F)(I)(N) of the Indian Penal Code and under section 3, 4, 5, (L) (N) and 6 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged report stating that applicant is her husband and he performed second marriage with her. Victim aged about 13 years is their daughter. On 29/09/2018, applicant and victim came to Wadgaon Shinde and applicant went to place of his work Pirangut. Victim was in frightened condition and upon asking she told that applicant used to do obscene acts with her, on 07/11/2017, applicant took her for bringing chicken and took her in one field where he committed forcible sexual intercourse with her, act was repeated from time to time and applicant threatened to kill her mother and brother if incident was disclosed to anyone. In June 2018, applicant took admission of victim in New English School Pirangut in 8th standard, but he did not allow her to attend the school and kept sexual relationship with her forcibly two to three times in a week. He used to give her tablets for not conceiving.

3] According to applicant he is falsely implicated in this matter. First informant is his second wife. She want share in land property, therefore, she used to quarrel with applicant on that ground. First

informant falsely implicated applicant only for her financial greed. Applicant is ready to take all responsibility of victim till her marriage. He is earning member of family and temporary resident of Wadgaon Shinde, Dist. Pune and permanently resides at Aundha Nagnath, Dist. Hingoli. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] A.P.P. and I.O. objected this application on the ground that investigation is in progress. Applicant and victim are relatives. Applicant is father of victim. Considering relationship, 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 victim and first informant, role attributed to the applicant can be gathered. There is allegation of forceful sexual intercourse by applicant with victim from time to time since November 2017 till September 2018. Applicant was giving her tablets for not conceiving. Regarding property dispute, at present, there is no evidence. Moreover, investigation in this matter is at initial stage. Victim is only 13 years old and being father, applicant is in dominating/influential position over victim. There is possibility of giving threat and pressure to victim and witnesses. Considering allegations, there is question of safety of the victim in the house of applicant. Medical reports of the victim prima facie supports prosecution case. Hence, in view of gravity of offence, above reasons, it is not proper to release applicant on bail at this initial stage. Hence, following order is passed -

ORDER

The application is rejected.

Pune.
Date – 05/12/2018

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	Pranjali Prasad Bokil (Stenographer – Grade-II)
Court Name	R .V. Adone Addl.Sessions Judge, Pune
Date of Order	05.12.2018
Order signed by Presiding Officer on	05.12.2018
Order uploaded on	06.12.2018