

ORDER BELOW EXH.1

Applicant Vilas Shankar Pawar has taken out present application for grant of pre-arrest bail under Section 438 Code of Criminal Procedure apprehending his arrest in C.R. No. 192/2024 registered in Dighi Police Station, Pune for offences punishable under Section 354, 354-A of the Indian Penal Code (hereinafter referred as “the IPC”) and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the POCSO Act”).

2. Perused the application, reply of the prosecution and documents filed therewith. Heard learned advocate for the applicant and Ld. Spl. PP

3. Learned Advocate for applicant argued that applicant is 41 years old man and father of victim. Victim is residing with her maternal uncle and there was matrimonial dispute between applicant and his wife and due to matrimonial dispute between applicant and his wife, informant/victim has lodged false report on the say of her matrimonial uncle for grabbing property of applicant. Role attributed to the applicant does not come within purview of penetrative sexual assault. Applicant is ready to co-operate respondent. The applicant is not having criminal antecedents. Applicant has already co-operated police in investigation. Considering nature of offence, there is no necessity of custodial interrogation. Applicant is ready to abide all the

conditions which court may impose therefore applicant prayed that application be allowed.

4. On the other hand, Ld. Spl.PP argued that, applicant may commit similar offences and offences alleged to have been committed by applicant are of serious nature. Victim is having no motive to falsely implicate her father. Hence, learned Spl. PP submitted that application be rejected.

5. From the appreciation of matter on record it appears that, crime no. 192/2024 registered in Dighi Police Station, Pune for offences punishable under Section 354, 354-A of the IPC and under Section 8 of the POCSO Act. From perusal of copy of FIR/report, it reveals that role attributed to the applicant is that on 05.03.2024, applicant inappropriately touched victim on her chest. After grant of ad-interim relief, applicant has co-operated investigating officer and there is no contention of prosecution that applicant did not co-operate investigating officer. From the documents tendered by applicant, there appear substance in the contention of applicant that there was matrimonial dispute between applicant and his wife and applicant has executed agreement in favour of matrimonial uncle of victim for relinquishing his share in his favour and there is delay in lodging FIR. Considering nature of crime and above fact, custodial interrogation of applicant/accused does not appear necessary. The offences alleged to have been committed by applicant do not

appear to be of grievous nature and severe punishment is not provided for same and there appear no possibility that applicant may flee from justice or misuse the liberty. No criminal antecedents are attributed to applicant. The conduct of applicant and the above facts and the apprehension of applicant justify grant of anticipatory bail to applicant.

6. Considering the above facts and discussion and prima facie appreciation of the material on record grant of pre-arrest bail to applicant is not likely to be prejudicial to the investigation and investigation is not likely to be hampered. Moreover applicant is not likely to misuse his liberty.

7. Considering the nature of the offence, gravity of the offence, reply of the respondent, there appear justifiable grounds for releasing applicant on pre-arrest bail. As such present application deserves to be allowed. Hence, the following order.

ORDER

1. Cri.Bail Application No. 3302/2024 in C.R. No. 192/2024, is allowed.
2. In the event of arrest of applicant Vilas Shankar Pawar in Crime No. 192/2024 registered in Dighi Police Station, Pune for offences punishable under Section 354, 354-A of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, applicant be released on executing PR Bond of Rs.50,000/- (Rs. Fifty thousand only) with one or more sureties in like amount on the following conditions :
 - (a) Applicant shall co-operate the Investigating Officer and shall

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make herself available for interrogation by concern Investigating Officer as and when required.

- (b) Applicant shall not indulge any activity obstructing course of investigation or trial.
- 3. Inform concerned police station/Investigating Officer accordingly.
- 4. Cri.B.A. No.3302/2024 is disposed of accordingly.

(Pronounced in open Court)

Date : 20/09/2024.

(K.P. Kshirsagar)
Spl. Judge, (POCSO), Pune.

Dictated on : 20.09.2024

Transcribed on : 20.09.2024

Checked on : 20.09.2024

Signed on : 20.09.2024