

ORDER BELOW EXH.1

1] The applicant Dhananjay Mohanrao Barge was arrested on 27.05.2024 in connection with C.R. No. 318/2024 registered in Yerawada Police Station under Section 354A(1)(i) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012. He has filed this application for bail under Section 439 of the Cr.P.C. He contends that this is his first bail application and no other bail application is pending in any other Court.

2] The indictment of the applicant as it reveals from the allegations in the FIR and other investigating papers is that the complaint was filed against the applicant by the mother of victim girl that the applicant was looking at her daughter aged 17 years with bad intention and on 22.05.2024 at about 7.00 p.m. her daughter came home in frightened condition and on inquiry, she told that when she was going down stairs, the applicant met her and asked her mobile number, but she refused to give and at that time, he hugged her and kissed on her cheek.

3] The application is resisted by the Investigating Officer by filing say (Exh.4) and on that basis the Ld. A.P.P. submits that considering the offence under POCSO Act, the applicant may not be released on bail. The applicant has come with a case of false implication due to quarrel took place with the husband of the informant Arvind Awaghade took place on the ground of parking vehicles in the parking space. The complaint has been lodged

belatedly afterthought and the applicant has committed no offence. The Ld. Advocate for the applicant submits that the applicant is permanent resident of Yerawada, Pune and he will not flee away and will abide by all the conditions those would be imposed by the Court. There are no criminal antecedents of the applicant and the offences are not punishable for death or life imprisonment. He has relied upon the judgment in *Sandip Sharma Vs. State of Himachal Pradesh 2020 SCC Online HP 204* and *Nareshkumar Gupta Vs. State of Himachal Pradesh 2017 SCC Online HP 2569*, to lend support to his submissions.

4] The investigating papers placed on record show that the substantive investigation has been carried out. There is no allegation of any criminal antecedent of the applicant. The applicant is the local resident and there is no possibility of his fleeing away. The offences are not punishable with death or life imprisonment. Under the circumstance, I am inclined to release the applicant on bail on certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Dhananjay Mohanrao Barge, who was arrested on 27.05.2024 in connection with C.R. No. 318/2024 registered in Yerawada Police Station under Section 354A(1)(i) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- with surety of the like amount.
- 3] The applicant shall not tamper with the prosecution

evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.

- 4] The applicant shall not contact with the victim and family members, in any manner.
- 5] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 6] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 7] The applicant shall not leave India without prior permission of this Court.
- 8] Violation of any of these conditions would entail a ground for cancellation of bail.
- 9] Bail application stands disposed of accordingly.

Pune.
Date – 24.06.2024.

(S.R. Salunkhe)
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	- Sau.S.V.Thakar (Steno G-1)
Court Name	- S. R. Salunkhe, Addl. Sessions Judge, Pune.
Date of Order	- 24.06.2024
Order dictated on	- 24.06.2024
Order transcribed on	- 24.06.2024
Order signed by P.O.	- 24.06.2024
Uploaded on	- 25.06.2024