

Order Below Ex.1.

The applicant/accused has moved this court under Section 439 of The Code of Criminal Procedure of the offence punishable under Section 376 of the Indian Penal Code and under Ss.4 and 5 of the Protection of Children from Sexual Offences Act, 2012. It is contended that the applicant committed rape on the victim girl aged about 17 years. She therefore, became pregnant and ultimately on 18.06.2014 she delivered a male child. The offence came to be registered on the basis of complaint lodged by the victim girl.

2] It is contended that applicant is falsely implicated in this case. He is the permanent resident of the place mentioned. There are no bad antecedents of the applicant. Hence, this is the application.

3] The application is opposed by the State by filing say at Ex.3. It is submitted that the victim girl is aged about 17 years and the applicant committed rape on her. Out of said relationship she became pregnant and delivered a male child. The offence is serious. Investigation is not yet complete. If the applicant is released on bail, there is a possibility of tampering with the prosecution witnesses. Hence, the rejection is prayed for.

4] Heard learned counsel for both the sides. Perused the record. On perusal of FIR it seems that, applicant committed rape on the victim girl aged about 17 years against her wish and ultimately she delivered a male child out of said relationship. The offence is certainly very serious and heinous one. The investigation is not yet complete. Certainly, if the applicant is released on bail, there is a possibility of tampering with the prosecution witnesses. So, in my view, this is not a

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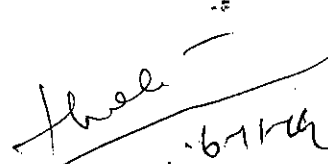
fit case to grant the bail. With this, following order is passed.

ORDER

[1] The application stands rejected.

Pune.

Dated/- 06-11-2014.


(Mangala J. Dhote)

Additional Sessions Judge, Pune.