

CRI.Bail Appln.no.1890/17**Order Below Ex.1.**

1] Applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail in Crime No. 273/2017 registered at Hinjawadi Police Station under section 376(N),363 of IPC and under section 3,4,7,8 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.6. Heard learned advocate for the applicant and APP for State.

2] In short the contention of the applicant is that he has been involved in false matter. It is alleged that the applicant kidnapped the victim girl from her lawful guardianship. It is alleged that the applicant kept sexual relations with the victim girl by giving assurance of marriage. On these allegations the FIR is lodged. The learned Advocate for the applicant submitted that the investigation of this crime is practically completed. The applicant will co-operate the IO during investigation. Therefore, he submitted to release the applicant on bail.

3] APP for the State is submitted that the offence is of serious in nature. The investigation of this crime is in progress. If the applicant is released on bail, he will pressurize the witnesses. Therefore, he submitted to reject this application.

4] The learned advocate for the applicant submitted that In the present case the false FIR is lodged against the applicant due to wrong impression. The mother of the victim girl has filed affidavit and informed the court that on 03.04.2017 false FIR is lodged against the applicant by her daughter due to anger and wrong impression. Therefore, she has no objection to release the applicant on bail. From perusing the report filed by the prosecution it is seen that the victim girl refused for her medical

examination when she was produced before medical officer. Her statement is recorded by JMFC under section 164 of Cr.P.C. In her statement under section 164 of Cr.P.C. victim girl has specifically stated that the quarrel took place between the applicant and her and therefore, for teaching lesson to him, false FIR is lodged against the applicant. Thus, the statement of the victim girl recorded under section 164 of Cr.P.C. prima-facie shows falsely implication of the applicant in this crime. The applicant is 18 years young student. For all these reasons, I am inclined to grant this application. With this, I proceed to pass the following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Tushar Bhima Chandere be released on executing P. R. bond of Rs.15,000/-, with solvent surety in the like amount.
- 3] The applicant is directed to attend Police Station on each Sunday in between 11.00 a.m. to 1.00 p.m. till filing of chargesheet.
- 4] The applicant shall not tamper the prosecution witnesses in any manner.
- 5] The applicant shall co-operate the IO during investigation and he shall remain present before the IO as and when required for investigation.

Pune.
Date – 05.07.2017

(R.N.Sardesai)
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 - S.V.Thakar,

Court Name - R.N.Sardesai, Additional Sessions Judge,
Pune.

Date of order - 05.07.2017

Order signed by P.O. - 05.07.2017

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