

ORDER BELOW EXH. 1 IN SPL(C) MA NO.228 of 2014.

This is the bail petition filed by applicant as per Sec.439 of Cr. P. C.

2] The say of applicant is that complainant Sunita Lahu Ware lodged the complaint against accused alleging that present applicant, who is her husband, had molested her daughter Priti when she used to go for work. Thus she lodged the complaint. The say of applicant is that he did nothing but due to some dispute the complaint is lodged with the help of daughter. So he requested to release him on bail.

3] State appeared and objected the application.

4] I heard the submission of both the sides. Following points arise for my determination. I record my points and findings together with for the reasons stated below.

Points**Findings**

1] Whether applicant is entitled to bail ?

– Yes.

2] What order ?

– Application is allowed.

R E A S O N S**All points. :-**

5] After perusal of complaint, I found that complaint is lodged under section 354 of IPC and under S. 9(n) read with S. 10 of The Protection of Children from Sexual Offences Act, 2012. After perusal of complaint, I found that mother of victim girl is alleging that father of victim girl is molesting her by embracing her and by moving his hand around her breast Police have recorded the statement of victim girl Priti. She is also stating the same things. Then victim sister is also stating that her father is creating fear in her mind keeping the powder of killing rats in her school bag. Then there is hearsay statements of some few witnesses. It seems that

there is a dispute of matrimonial relations between applicant and his wife and taking the help of children, she had lodged the case. The accused is in jail since 14.6.2014. Almost all investigation is completed. No further custodial inquiry is needed. So on certain conditions, applicant is entitled to be released on bail. Hence the following order.

ORDER

1] Application is allowed as under :-

The applicant Lahu Maruti Ware be released on bail, in connection with CR No.306/14 registered at Kothrud Police Station, under Section 354 of IPC and under S.9(n) r/w S.10 of The Protection of Children from Sexual Offences Act, 2012, on executing SB and PB of Rs.15,000/- with one surety in the like amount, on following conditions.

- A] The applicant shall not tamper with the prosecution evidence in any manner.
- B] The applicant shall co-operate with police for further investigation.
- C] The applicant shall attend the Court on given date.
- D] The applicant shall attend concerned police station on last Sunday of each month in between 11 a.m. to 2 p.m. till filing of the charge-sheet.
- E] The applicant shall not enter in the house of complainant where complainant and her daughters are residing and not to trouble them by visiting them anywhere in the school, class etc. till decision of the case.

Pune,

Dated/- 25-06-2014.

(Mrs. Prachi P. Kulkarni)

Special Judge, Pune (Under The Protection
of Children from Sexual Offences Act, 2012)

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur, PA. Court Name : Smt. P. P. Kulkarni, Dist. Judge,01, Pune. Judgment signed by P,O. on : 25-6-14 Judgment uploaded on : 10-7-14 Date of PDF file :10-7-14