

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 179/2023 registered with Alankar police station for the offences punishable under Sections 354,506 of the Indian Penal Code and under Sections 8 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and the charge-sheet.

4] The victim aged 17 years has lodged a report against the applicant aged 27 years on 09.11.2023. The victim went to bring articles from Bombay Stationery on 09.11.2023 at around 3.30 p.m. and while returning to home at 4.00 p.m., when she was at Janpriya Society, Erandawana, applicant and Sagar Salunke were present there. At that time, the applicant came near to her and hold her hand and touching her hand inappropriately and told her that he likes her and he wanted to marry to her, if she would not marry to him, he would defame her. The victim told him to leave her hand but he did not leaved her hand, then she waive aside his hand and rushed to her

home. At that time, her mother had been gone for spiritual programme at Sangamner Loni and she returned home at 9.00 p.m. and the victim told the incident to her mother. Immediately, the victim and her mother went to police station and lodged the report against the applicant.

5] Ld. Advocate for the applicant has placed his reliance in -

i] Dhanraj Babusing Rathod Vs. State of Maharashtra in Criminal Application (ABA) no. 901 of 2022 decided on 10.02.2023,

ii] Bandu Vitthalrao Borwar Vs. State of Maharashtra reported in 2016 SCC OnLine Bom 16128.

6] It prima facie appears from the statement of the victim recorded under Section 164 of Cr.P.C. that the applicant is married person and she was trying to tell about the words uttered by the applicant to his wife by giving phone call and at that time, the applicant snatched her phone. The applicant is her maternal uncle and he used to touch the hand of the victim inappropriately, when the victim used to go to his house.

7] Considering the nature of the allegations and as now the investigation is complete and the charge-sheet is filed, keeping in mind punishment provided for the alleged offence, his further detention behind the bars is not necessary. While releasing the applicant on bail, it is necessary to impose stringent conditions upon the applicant and necessary to give the directions to the applicant to change his residence and give his new address to the investigating officer. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Akash Narendra Supekar** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every **1st Monday and 1st Friday of each month** between 10.00 am to 11.00 am till conclusion of the trial.
- 4] 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.
- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing and he **shall change his residence immediately and submit his new address proof** and phone details of his close relatives to the investigating officer.
- 7] The applicant shall not leave India without prior permission of the Investigating Officer.
- 8] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 9] Bail application stands disposed of accordingly.

Pune.
Date – 05.02.2024.

(S.P. Ponkshe)
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	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 05.02.2024
Order dictated on	- 05.02.2024
Order transcribed on	- 05.02.2024
Order signed by P.O.	- 05.02.2024
Uploaded on	- 06.02.2024