

CRI.Bail Appln.no.1683/17**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. 354/2017 registered at Shirur Police Station under section 354,363 of IPC and under section 12 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.3. 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. The victim girl lodged the FIR on 15.05.2017. It is alleged that the applicant came on his motorcycle behind the victim girl and enquired as to where is Manikchand hospital. It is further alleged that the victim girl showed the way to the hospital. It is further alleged that the applicant insisted the victim girl to show the road and therefore, victim girl went on the motorcycle of the applicant. It is further alleged that the applicant caught hold hand of the victim girl and behaved in the manner which would shame to the victim girl and outraged her modesty. The leaned Advocate for the applicant submitted that the incident occurred on 10.05.2017 however, FIR is lodged on 15.05.2017. There is delay in lodging FIR and the said delay is not explained by the prosecution. He further submitted that the applicant is only earning member in his family and he is kept in jail. His family members will suffer. He also submitted that investigation if 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] I have gone through the copy of FIR and papers of investigation. The punishment for the offence punishable under section 354 of IPC and under section 12 of POCSO Act is less than 5 years. The investigation of this crime is practically completed. Considering all these facts and circumstances of the case I am inclined to grant this application. However, some stringent conditions needs to be imposed in view of the objections raised by APP. With this, I proceed to pass the following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Bharat Narayan Chormale be released on executing P. R. bond of Rs.20,000/- with one or two solvent sureties in the like amount.
- 3] The applicant shall not enter Mandavgan, Tal-Shirur, Dist-Pune till the investigation is completed.
- 3] The applicant is directed to attend Shirur Police Station on each Monday in between 11.00 a.m. to 1.00 p.m. till filing of chargesheet.
- 4] The applicant shall not directly or indirectly make any inducement, threats or promise to any person acquainted with the facts of the accusation against him so as to dissuade them from disclosing such fact.
- 5] The applicant shall co-operate the IO during investigation and he shall remain present before the IO as and when required for investigation.

“ 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 - 16.06.2017

Order signed by P.O. - 16.06.2017

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