

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. 25/2024 registered with Khadak police station for the offences punishable under Sections 354, 354-A, 509, 504, 506 of the Indian Penal Code and under Sections 8,12 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 police papers.

4] The victim aged 17 years and 7 months has lodged a report against the applicant who is her father on 17.01.2024. Her father allegedly on 17.01.2024 touched her breast and told her, “तु किती सुंदर दिसते”. At that time, her mother asked the applicant about his act and he abused and made obscene gestures and stated, “तुला पण झवतो आणि तुलासध्दा झवतो” and threatened the victim and her mother. Earlier to that even on 15.01.2024, the father pressed the breast of her younger sister aged 13 years and about the same, she disclosed to her mother and the victim but the mother did not keep faith on the sister of the victim and father told the mother that younger daughter

was lying.

5] The statement of second victim, who is younger daughter of the applicant prima facie discloses that on 15.01.2024, when the mother and victim no.1 were not present in the house, at that time, the applicant pressed her breast and she was scared and went out of the house and she narrated the incident to her mother and victim no.1. Thus, prima facie there is material in respect of commission of sexual assault by the applicant upon his two daughters. The investigation is in progress and yet not completed. Therefore, it is not just and proper to release the applicant on bail. Hence, this application is to be rejected. With this, I proceed to pass the following order:

ORDER

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.
Date – 07.02.2024.

(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	- 07.02.2024
Order dictated on	- 07.02.2024
Order transcribed on	- 07.02.2024
Order signed by P.O.	- 07.02.2024
Uploaded on	- 08.02.2024