

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State. Perused reply filed by original complainant.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. no. /18 registered at Police Station for the offence punishable under section of the Indian Penal Code and under section of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged report stating that on 30.08.2018 victim aged about 13 years 11 months went away from house for school and returned at 5.30 p.m. She complained of stomach ache. She inquired with victim who told that applicant i.e. her uncle used to say her that he did not like his wife and he likes her. He was ready to marry with her, on 30.08.2018 applicant took her from his motorcycle at Wagholi in a room and forcibly committed sexual intercourse with her. Thereafter, he left her at her house . Prior to this since one year applicant committed forcible sexual intercourse with her repeatedly.

3] According to applicant he is falsely implicated in this matter. There is delay in lodging report. As applicant tried to expose relationship of victim with her friend namely Mayur, he is falsely involved. On 30.08.2018 applicant caught victim and Mayur in isolated place and warned her. Applicant is working in a company. His wife is four months pregnant and needs his company. He has no criminal antecedents and temporarily resident of Wagholi, Pune and permanently residing at Kawthe Mahankal, Sangli. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Medical papers supports prosecution case. Statement of victim under section 164 of Code of Criminal Procedure is yet not recorded. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is husband of aunt of victim. From statement of victim it can be gathered that applicant committed sexual intercourse with victim at his house and at Hotel Raunak under pretext of marriage. However, applicant is already married. Moreover, victim is only 13 years 11 months old. Act was repeated by the accused. Medical papers of victim shows there is evidence of vaginal penetration.

6] Most importantly investigation is in progress. Applicant is about 30 years old and victim is 13 years old. Considering relationship applicant is in dominating and influential position over victim. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, considering gravity of offence at this initial stage, it is not proper to release applicant on bail. Therefore, in view of above reasons application deserves to be rejected with following order -

ORDER

The application is rejected.

Pune.
Date – 24.10.2018.

(R.V.Adone)
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	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 24.10.2018
Order signed by P.O.	- 24.10.2018
Order uploaded on	- 25.10.2018