

ORDER BELOW EXH. 1 IN SPL(C) MA NO. 272/2014

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

2] The say of applicants is that Vishrantwadi police station had registered CR No.219/14 under S. 354-A(i) r/w 34 of Indian Penal Code and under S.8 of The Protection of Children from Sexual Offences Act, 2012. The say of applicant is that complaint is lodged by Sneha Narendra Yadav alleging that she resides at Ganeshnagar-Jogale's house at Bopkhel, Pune along with her parents and sister and studying in 10th standard at Kendriya Vidhalaya, Ganeshkhind, Aund, Pune and her age is 15 years. It is her say that on 13.7.14 her parents and sister have gone to Pimpri at about 6 p.m. She was alone in the house and was studying at 7 p.m. That time somebody had knocked the door. She opened the door under the impression that her parents might have come, but accused Danial Yesudas and Shivram Uttam were standing in the door and both have tried to pull the door. Then she asked them what they want. That time they told her that she is beautiful and she like them and they caught hold her hand and tried to pull her outside the house. That time adjoining neighbour Rani Sargar came there, so they ran away. Then after arrival of her parents, she narrated the incident to her parents and then she lodged the complaint.

3] The say of applicants is that they did nothing and they prayed for bail.

4] State appeared and objected the application.

5] 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 applicants are entitled to bail ? | – Yes. |
| 2] What order ? | – Application is allowed. |

R E A S O N S

All points. :-

6] After perusal of police papers I found that case is under S. 354-A(i) of IPC and under S. 8 of The Protection of Children from Sexual Offences Act, 2012. Only there are mere allegations of outraging the modesty. Police have recorded the statements of witnesses and only work of filing of charge sheet is remained. So considering the age of applicant and nature of the case, I say that application is to be allowed on strict conditions. Hence I answer the points accordingly and proceed to pass the following order.

ORDER

1] Application is allowed as under :-

The applicants 1] Daniel Yasudas Saniyal and 2] Shivram Uttam Das be released on bail, in connection with CR No. 219/2014 registered at Vishrantwadi Police Station, under Section 354-A(1)(i) r/w 34 of IPC and under S. 8 of The Protection of Children from Sexual Offences Act, 2012, on executing SB and PB of Rs. 15,000/- each, with one surety each in the like amount, on following conditions.

- A] The applicants shall not tamper with the prosecution evidence in any manner.
- B] The applicants shall co-operate with police for further investigation.
- C] The applicants shall attend the Court on given date.
- D] The applicants 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 applicants shall not enter within the residential area of complainant and meet her till decision of this case.

Pune,
Dated/- 21-07-2014.

(Mrs. Prachi P. Kulkarni)
Special Judge, Pune (Under The Protection
of Children from Sexual Offences Act, 2012)