

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. 26/2024 registered with Dighi police station for the offences punishable under Sections 354-D, 507, 509 of the Indian Penal Code and under Sections 11(4), 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 mother of the victim has lodged a report against the applicant. On 30.05.2023, there was marriage anniversary celebration of relative of the informant, who resides in the society of the informant. At that time, the applicant who is son of cousin sister of the informant also present for the said function. He took photographs in his mobile phone and for giving the said photographs, the applicant had taken mobile phone number of the informant. Thereafter, he was giving messages on the Whatsapp to the informant. The mobile phone of the informant was with the victim, aged 15 years for studies. The applicant repeatedly expressed the victim that he likes her by giving

phone call to the victim. The applicant even used to come to the house of the informant. When the victim was returning from the school, the applicant was stalking her. The victim told about the same to the informant but the applicant being the relative, complaint was not filed. The informant told about the incident to her husband and the husband of the informant gave phone call to the applicant on 14.12.2024 and asked him why he was harassing the victim. At that time, the applicant answered that, “तुला काय करायचे तु मला खूप आवडते आणि तिला पळवून नेणार आहे तसेच माझ्यामध्ये कोणी आले तर तिचे फोटा व्हायरल करू तिची बदनामी करेल” and he thus threatened and abused to the husband of the informant. Then accordingly, on 17.01.2024, the informant has lodged a report against the applicant.

5] The statement of the victim discloses that she has reiterated in respect of the incident of taking photographs of the function by the applicant on 30.05.2023 and further she has reiterated that the applicant was giving messages to her on Whatsapp of mobile phone of her mother and stated in respect of phone call of the father of the victim and the applicant and details of conversation.

6] It appears that the mobile phone of the applicant has been seized by the police during the investigation. The applicant is 19 years old. The applicant is the student and doing B.Sc. and there is his examination since 16.04.2024. Considering the nature of the allegations and the applicant is arrested on 19.03.2024, his further detention behind the bars is not necessary. The applicant is to be released on bail, by imposing stringent conditions upon him.

Therefore, application is to be allowed by imposing stringent conditions upon the applicant. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Ganesh Sudhakar Aghav** 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 Monday and Friday between 5.00 pm to 6.00 pm till filing of the charge-sheet.
- 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.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 12.04.2024.

(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	- 12.04.2024
Order dictated on	- 12.04.2024
Order transcribed on	- 12.04.2024
Order signed by P.O.	- 12.04.2024
Uploaded on	- 15.04.2024