

Order Below Ex.1.

The applicant Mohsin has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 354A and 509 of the Indian Penal Code. It is contended that on 22.09.2014 at 4.30 to 5.00 p.m. the victim girl aged about 7 years was playing with one boy aged about 10 years in the parking premises of the building. That time, the applicant on his two wheeler Aactiva came to the girl. He caught-hold of her hand and asked her name. Accused pinched the cheek of the girl and said to her that, he would show some pictures from his mobile. He put his hand on the chest of the victim girl and said to her that she should come to watch movie alongwith boy Sahil. By that time, the victim girl rescued herself and came towards Murtikar Sarode. By that time, applicant fled away. The complaint came to be lodged by the father of the victim girl. The offence has been registered accordingly.

2 It is contended that the applicant has falsely implicated in this case. He has no bad antecedent. Nothing is to be recovered from him. He is the permanent resident of Pune, having roots over there. Hence, this is the application.

3 The application is opposed by the State by filing say at Ex.3. It is submitted that the victim girl is minor. The applicant had already committed the similar offence and same was

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compromised in Maha Lok Adalat. If he released on bail, there is possibility of repeated crime. The offence is heinous one. The rejection is thus prayed for.

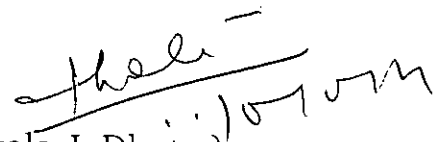
4 Heard learned counsel for both the sides. Investigating officer is absent. Perused the record. On perusal of FIR, it seems that the applicant ^{has} ~~is~~ committed the act of putting his hand on the chest of victim girl and was about to take her out for watching a movie. By that time, the girl rescued from herself. It seems from the record that, nothing is to be recovered from the applicant. No doubt that, the offence is serious one however, the personal custody of the applicant is not required for the purpose of investigation. He is the permanent resident of Pune, having roots over there. Hence, he is liable to be released on bail. With this, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant – Mohsin Alamgir Khan be released on his executing PR. bond of Rs. 15,000/- with one surety in the like amount.
- 3] The applicant shall supply documentary evidence of his permanent address and shall file affidavit in support thereof.
- 4] The applicant shall not tamper with the prosecution witnesses in any manner and shall co-operate the investigating agency as and when required.

Pune.

Dated/- 10-10-2014.


(Mangala J. Dhote)

Additional Sessions Judge, Pune.