

ORDER BELOW EXH. 1 IN SPL(C) MA NO.326/2014

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

2] The say of applicant is that he was arrested on 14.9.2014 by Swargate police in CR No.233/14 under S. 354 of IPC and under Sec. 7 r/w 8 of The Protection of Children from Sexual Offences Act, 2012. Initially he was sent to PCR and thereafter he is in MCR.

3] The complaint is lodged by Nisar Saifulla Shaikh on 14.9.2014 alleging that he resides at Yasinjug Durga, Salisbury Park, Pune along with his wife, mother and two children. He is serving as driver on tourist vehicle. On 14.9.2014 during evening hours he was present in the house along with his children as all were enjoying holiday. After lunch children went outside the house to play. Near to his house, there is a flour mill belonging to Babar and one Ramlal Prajapati is working there. The said flour mill used to remain close from 2 p.m. to 4 p.m. At 4.45 p.m. he came out of the house along with his friend. Then he noticed accused was sitting on pipeline and his daughter aged 3 years viz. Sadaf was standing in front of him. So he suspect something and went ahead to see. That time he noticed accused gave his private part in the hands of his daughter. So they caught hold him and brought to police station. Thus complaint is lodged against him.

4] The say of applicant is that he did nothing, false case is filed against him.

5] State appeared and objected the application.

6] 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 applicant is entitled to bail ? | – Yes. |
| 2] What order ? | – Application is allowed. |

R E A S O N S

All points. :-

7] After perusal of police record, I found that police have filed a complaint, effected spot panchanama, recorded the statements of witnesses and only the work of filing of charge sheet is remained. State is submitting that accused is resident of some other State and if bail is granted, he will abscond. If this is the submission, then by imposing conditions on applicant, bail can be granted to the applicant. Considering the nature of the case and involvement of applicant, I say that applicant is entitled to bail on certain conditions. Hence I answer the above points accordingly and proceed to pass the following order.

ORDER

1] Application is allowed as under :-

The applicant Ramlal Hemaram Prajapati be released on bail, in connection with CR No.233/14 registered at Swargate Police Station, under Section 354 of IPC and under S. 7 r/w 8 of The Protection of Children from Sexual Offences Act, 2012, on executing SB and PB of Rs.25,000/-, with one or two sureties from Pune City only, in the like amount, on following conditions.

- A] The applicant shall not tamper with the prosecution evidence in any manner.
- B] The applicant shall co-operate with police for further investigation.
- C] The applicant shall attend the Court on given date.

- D] The applicant shall attend concerned police station on last Sunday of each month in between 11 a.m. to 2 p.m. till decision of this case.
- E] The applicant shall not enter within the residential area of complainant, not to contact her on cell phone, not to meet her, not to tease and harass her.
- D] The applicant shall not leave Pune City without prior permission of this court.

Pune,

Dated/- 22-09-2014.

(Mrs. Prachi P. Kulkarni)

Special Judge, Pune (Under The Protection
of Children from Sexual Offences Act, 2012)

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur. Court Name : Mrs. P. P. Kulkarni, District Judge,01, Pune. Judgment signed by P.O. on : 22-9-14 Judgment uploaded on : 9-10-14 Date of PDF file : 9-10-14