

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State.

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. 518/18 registered at Swargate Police Station for the offence punishable under section 354,506,509 of the Indian Penal Code and under section 11(1),12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim lodged report stating that on 25.12.2018 at 6.00 p.m. she was returning from her college and she reached at Swargate at 6.30 p.m., one rickshaw driver bearing rickshaw no.MH-12-EQ-7699 came near her and asked not to speak with anyone at Swargate bus stand otherwise he would assault her by blade, he removed her scarf by which she covered her face, he threatened to throw acid on her. Said rickshaw driver was giving flying kiss to her for about 15 days and he thereby outraged her modesty.

3] According to applicant he is falsely implicated in this matter. There is delay in lodging First Information Report. Investigation is practically over. In fact there was quarrel between him and victim due to reason of fare of rickshaw. He is resident of Kasewadi, Bhawani Peth Pune and earning member of family. He has no criminal antecedents. 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. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and possibility of his absconding. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is interrogated. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. Applicant is resident of Kasewadi, Bhawani Peth, Pune. His family members are depending on him, he is earning member of family. Applicant has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Ismail Lal Shaikh be released on executing P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- 3] The applicant shall not tamper the prosecution witnesses in any manner.
- 4] The applicant shall attend Swargate Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.
- 5] The applicant shall not meet, threat and pressurize the victim, shall not repeat the offence and shall not enter into residence of victim.
- 6] The applicant shall co-operate investigating machinery as and when required.
- 7] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.
Date – 05.01.2019.

(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	- 05.01.2019
Order signed by P.O.	- 05.01.2019
Order uploaded on	- 07.01.2019