

Order Below Ex.1.

1] Applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of bail in Crime No. 341/2017 registered at Shirur Police Station under section 363,366,376,504 read with 34 of IPC and under section 39a0,4,8,17 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.6. Heard learned advocate for the applicant and APP for State.

2] In short the contention of the applicant is that he has been involved in false matter. Smt. Shantabai Kashinath Padwal lodged the FIR on 07.05.2017 and accordingly this crime is registered at Shirur police station. It is alleged that the victim girl is 16 yeas old. She is granddaughter of the informant. One year prior to the incident, she had come to the house of informant. The informant lodged the FIR as she was missing since 05.05.2017. On 10.05.2017 the victim girl is found at Vrundavan Hotel, Pargaon. IO recorded her statement. Then the offence under section 376 of IPC and offence under section 3(A),4,8,17 of POCSO Act are added in this crime. It is alleged that the co-accused Sunil Sukhdev Hillal kidnapped the victim girl. The allegations against the applicant and other co-accused no.3 is that they both have arrested the accused no.1. the allegations against the accused no.2 and 3 is that they provided the motorcycle to accused no.1 who is prime accused in this case. Thus, the allegations against the applicant and another co-accused is that they provided the motorcycle to accused no.1. The leaned Advocate for the applicant submitted that the applicant has no concern with the alleged

offence. He submitted to grant the prayer of the applicant for pre-arrest.

3] APP for the State is submitted that the applicant is involved in serious offence. The applicant provided the motorcycle to the co-accused no.1 and co-accused no.1 used said motorcycle for kidnapping the victim girl. Therefore, he submitted that as the applicant no.1 is involved in the serious offence his prayer for anticipatory bail may kindly be rejected.

4] I have gone through the copy of FIR and papers of investigation. In the present case accused no.1 Sunil Hillal is the prime accused. The allegations of kidnapping and rape over the victim girl are against the co-accused no.1 Sunil. The role attributed to the applicant is that he provided aided, abetted the accused no.1 by providing the motorcycle in commission of this crime. The name of the applicant is not mentioned in the FIR. Considering the role attributed to the applicant, I am of the opinion that the custodial interrogation of the applicant is not necessary during investigation. For all these reasons, I am inclined to grant this application. With this, I proceed to pass the following order -

ORDER

1] The application is allowed.

2] In the event of arrest in Crime no.341/17 registered at Shirur police station the applicant Pintu @ Babaji Dadabhau Hillal be released on executing P. R. bond of Rs.15,000/-, with one solvent surety in the like amount.

3] The applicant shall attend Shirur Police Station on each Monday in between 11.00 a.m. to 1.00 p.m. till filing of chargesheet.

4] The applicant shall not tamper the prosecution witnesses in any manner.

5] The applicant shall co-operate the IO during investigation and he shall remain present before the IO as and when required for investigation.

Pune.

Date – 10.07.2017

(R.N.Sardesai)

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 - R.N.Sardesai, Additional Sessions
Judge, Pune.

Date of order - 10.07.2017

Order signed by P.O. - 10.07.2017

Order uploaded on - 12.07.2017

