

CRI.BAIL APPLN.NO.1766/17

Order Below Ex.1.

1] Applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of bail in Crime No. 210/2017 registered at Shikrapur Police Station under section of 376(d),506 read with 34 IPC and under section 4,16,17 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.4. Heard learned advocate for the applicant and APP for State.

2] In short the contention of the applicants is that they have falsely implicated in this case. The victim girl lodged the FIR on 13.05.2017. It is alleged that the co-accused no.3 Jyoti @ Sonali Amol Navghare constrained the victim girl to keep sexual relations with her husband. Accordingly, the applicant no.1 committed sexual relations with the victim girl in his house. It is further alleged that the co-accused no.2 Ashwin Sonune and co-accused no.4 Yogesh Udke committed sexual intercourse with the victim girl on different days against her wish. On these allegations the FIR is lodged against the applicants and other co-accused. The applicant nos.1 and 2 are arrested in this crime on 15.04.2017. They were remanded to police custody till 19.05.2017. Since then they are in judicial custody. Co-accused no.4 Yogesh Udke is juvenile in conflict with law. The leaned Advocate for the applicants submitted that the name of applicant no.2 is not mentioned in the FIR. The applicants are falsely implicated in this crime. The applicants are only earning member in their family. The investigation of this crime is practically completed. The applicant will co-operate the IO during investigation. Therefore, he submitted to release the applicants on bail.

3] APP for the State raised strong objection to

release the applicants on bail. He submitted that the victim girl is 16 years old. The applicants have committed rape over the victim girl repeatedly. In the present case the statement of the victim girl is recorded under section 164 of Cr.P.C. and she has stated before JMFC about sexual assault over her by the applicants. He further submitted that the applicants are from Bundhana District. If they are released on bail they are likely to abscond and they are also likely to pressurize the witnesses. Therefore, he submitted to reject this application.

4] in the present case the medical officer has examined the victim girl and has issued the Medico Legal Examination report of sexual violence. Medical officer has mentioned the age of the victim girl as 16 years. The victim girl has narrated the history before the medical officer about the sexual assault over her by applicant no.1 Amol. The medical officer has also given opinion that the possibility of sexual intercourse cannot be ruled out. In the present case the investigation is in progress. In the FIR the applicant has categorically stated about the incidence of sexual assault over her. In supplementary statement the victim girl has stated about sexual assault over her by the applicant no.2 and juvenile in conflict with law. Considering the age of the applicant as well as considering the medical evidence in record I am of the opinion that there is prima-facie case about the involvement of the applicant no.1 and 2 in this crime. The IO has produced the copy of statement of the victim girl recorded under section 164 of Cr.P.C. From perusing the statement, it is seen that the accused Ashwin and accused Yogesh committed rape over her against her will and without her consent. Thus, the statement of the victim girl under section 164 of Cr.P.C. clearly discloses the role played by applicant Ashwin Sonune and

Yogesh Udke in this offence. The possibility can't be ruled out that if the applicants are released on bail they will pressurize the witnesses and the investigation will be hampered. For all these reasons, I am not inclined to grant this application. With this, I proceed to pass the following order -

ORDER

The application is rejected.

Pune.

(R.N.Sardesai)

Date – 18.07.2017

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	- 18.07.2017
Order signed by P.O.	- 18.07.2017
Order uploaded on	- 29.07.2017

