

Cri.Bail Appln.no.1712/17**Order Below Ex.1.**

1] Applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail in Crime No. 301/2017 registered at Wakad Police Station under section 354A of IPC and under section 7,8 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.. 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. The informant lodged FIR on 18.05.2017. the victim girl is daughter of the informant. It is alleged that on 18.05.2017 at about 8.30 a.m. this incident occurred in the parking place of Mcdonald hotel, Thergaon, Pune. The informant resides in the room of Sachin Barne which is near Santosh Mangal Karyalaya, Thergaon, Pune. The applicant called the victim girl on the pretext of giving her chocolate in the parking place of Mcdonald hotel, Thergaon. He removed the clothes on her person and he was found with the victim girl who was in naked condition. On these allegations FIR is lodged against the applicant. The applicant is arrested in this crime on 11.05.2017. Since then he is in jail. The learned Advocate for the applicant submitted that the applicant is falsely implicated in this case. He is permanently resided at Mundhawa. He will not abscond. He will co-operate the IO during investigation. Therefore, he submitted to release the applicant on bail.

3] APP for the State is submitted that the investigation of this crime is in progress. The statement of the victim girl under section 164 of Cr.P.C. is yet to be recorded. If the applicant is released on bail, he will pressurize the witnesses. Therefore, he

submitted to reject this application.

4] The informant resides at Thergaon, Pune however, the applicant resides at Mundhawa, Pune. Thus, they are residing at separate places. The punishment for the offence punishable under section 354 of IPC and punishment for the offence punishable under section 7 read with 8 of IPC is not death or life imprisonment. The investigation is practically completed. 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] The applicant Vaijnath Mallinath Kiwale be released on executing P. R. bond of Rs.20,000/-, with one or two solvent sureties in the like amount.
- 3] The applicant is directed to attend Wakad 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 directly or indirectly make any inducement, threats or promise to any person acquainted with the facts of the accusation against him so as to dissuade them from disclosing such fact.
- 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 – 22.06.2017

(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 - 22.06.2017
Order signed by P.O. - 22.06.2017
Order uploaded on - 23.06.2017