

ORDER BELOW EXH.1

1] This is second bail application filed by the applicant u/s.439 of Code of Criminal Procedure in connection with CR No. 729/2023 registered with Kondhawa police station for the offences punishable under Sections 354, 354-D, 506(2) of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and charge-sheet.

4] The victim aged 16 years has lodged a report against the applicant on 16.07.2023 by making allegations against the applicant. The victim had accepted the proposal of the applicant in December-2022, when she got acquainted with the applicant on social media and when he expressed his love on her repeatedly, though initially she refused. Further, she has made allegations against the applicant that she break up her relations with the applicant. Her family members came to know about her love affair with the applicant. The applicant was giving threats to the victim that he would make her photographs viral on social media and defamed her.

5] On 02.05.2023, the applicant gave phone call to the husband of her maternal aunt and told him about his love affair with the victim and falsely told him that the victim was giving messages to him. Therefore, on 03.05.2023 the parents of the victim, her maternal aunt, uncle went to the house of the applicant to give understanding to him and at that time he gave abuses and threats that आयेशा माझी झाली नाही तर मी तिला मी कोणाचीच होवू देणार नाही तिला मी मारून टाकीन. Therefore, the report was lodged against the applicant with Kondhawa Police Station on 04.05.2023. After that on 13.07.2023, the applicant has prepared fake Instagram ID and uploaded her photographs with him. Again her parents and relatives went to the house of the applicant to give him understanding. Thereafter, on 14.07.2023, the applicant came in the parking of the building and asked her to come with him. The victim denied for the same and then he gave threat to the victim by showing knife to her and again threatened her that मी तुला विचार करण्यास दोन दिवसांचा वेळ देतो, तु माझी झाली नाही तर मी तुझ तुकडे तुकडे करून टाकील. The victim got scared and she was crying. Her parents returned at late night, as they were out of town. She told them the incident and lodged a report.

6] It appears that on 17.07.2023, her supplementary statement was recorded and the applicant has not closed fake Instagram account and he has changed the password and uploaded the photographs.

7] Prima-facie it appears from the police papers that the investigation has been completed and charge-sheet is filed. The accused is arrested on 16/07/2023. Prima-facie reveals that earlier the relations of the victim and the applicant were very close and thereafter she has made break up with the applicant. Considering the

nature of the allegations, it appears that now further detention of the applicant is not necessary and he is to be released on bail by imposing stringent conditions upon the applicant. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Adnan Jafar Shaikh** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every first Monday of the month between 10.00 am to 11.00 am till conclusion of the trial.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing and shall not enter within the jurisdiction of Kondhwa Police Station except for attendance to the police station.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave The State of Maharashtra without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 21.10.2023.

(S.P. Ponkshe)
Addl. Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of the P.D.F. File Order are same word for word as per original Order.”

Name of Steno	-	Minal C. Yeole
		Stenographer Grade III
Court Name	-	Smt. S. P. Ponkshe,
		Addl. Sessions Judge,Pune.
Date of Order	-	21/10/2023
Order signed by P.O.	-	23/10/2023
Uploaded on	-	23/10/2023