

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. 76/2017 registered at Pune Railway Police Station under section 363,366,376 of IPC and under section 3,4 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.3. 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. Indarkaur Kartarsing Tak lodged the FIR on 11.03.2017. The victim girl is the daughter of the informant. It is alleged that on 21.02.2017 at about 6.30 p.m. near Railway Station, Pimpri, this incident occurred. On 21.02.2017 the victim girl was found missing. Hence, the informant lodged the FIR. During the investigation, it is revealed that the victim girl accompanied the applicant and both of them went to Uttar Pradesh. The victim girl and the applicant found UP and brought to Pune. The applicant with the promise of marriage kidnapped the victim girl who is 17 years old. The applicant had committed sexual assault over the victim girl during this period. On these allegations, the FIR is lodged against the applicant. The applicant is arrested in this crime on 18.04.2017. Since then he is in jail. The learned advocate for the applicant submitted that the applicant has not played any role in commission of this crime. The applicant is from respectable family having good moral character. He will not abscond. The victim and the applicant were having love affair with each other since last one year. The complainant and her family members were against the love affairs between

applicant and victim girl. The informant intended to perform marriage of the victim girl with some other boy, therefore, victim girl voluntarily left house of her parents and accompanied the applicant. The applicant offered to marry victim girl however, the informant and her family members refused the said proposal. Then this false FIR is lodged against the applicant. Therefore, he submitted to release the applicant on bail.

4] In the present case the statement of the victim girl is recorded by JMFC, Pune on 08.05.2017. In her statement the victim girl has specifically stated that the applicant took her in UP by train and detained her in the house of his sister 10 to 12 days. During the said period the applicant committed sexual assault over her against her wish many times. She has further stated that then the applicant left the victim girl in one house. There were 4 persons in the said house. Out of the said persons one person namely Hutan committed sexual assault over her many times. The applicant sold the victim girl to Hutan for Rs.40,000/-. In the present case the medical officer has examined the victim girl and has given opinion that there is evidence of vaginal penetration which is most likely because of sexual intercourse with no evidence of physical injury. The age of the victim girl is 16 years. Considering the statement of the victim girl before JMFC as well as considering the medical evidence and the age of the victim girl, I am not inclined to grant this application. The possibility can't be ruled out that if the applicant is released on bail he will tamper the prosecution 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 – 04.07.2017

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 - 04.07.2017

Order signed by P.O. - 04.07.2017

Order uploaded on - 12.07.2017

