

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State. Perused reply filed by original complainant.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R.No. 216/18 registered at Vadgaon Maval Police Station for the offence punishable under section 363, 376 of the Indian Penal Code and under section 4, 8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of victim lodged missing report. During investigation and after recording statement of victim it revealed that she and applicant were acquainted with each other since two months. On 02/11/2018 she, her friend met applicant and they were contacting on mobile. On 05/11/2018 applicant asked her to go for dinner. She, elder sister of her friend and applicant went from car of friend of applicant to Talegaon, Limbfata. By taking parcel from hotel they went to house of her friend. By bolting door of room, applicant forcibly committed sexual intercourse with her. Then they both came at Talegaon, Dabhade and went to Solaplur at house of relative of applicant but he did not allow them and send them in Pune travel bus. But applicant took ticket of Thane and during travelling applicant committed sexual intercourse with victim against her wish.

3] According to applicant he is falsely implicated in this matter. He is studding in 11th std. at New English School. He is sufficiently interrogated and investigation is over. He has no criminal antecedents and permanently residing at Maval, Dist- Pune. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP objected this application on the ground that investigation is in progress. Considering age of victim her consent is not material. From statement of victim *prima facie* involvement of applicant can be gathered.

Considering her age applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of victim role attributed to applicant can be gathered. It revealed that applicant committed forcible sexual intercourse with victim and act was repeated. Victim is 14 years old and her consent is immaterial. Advocate of accused submitted that victim refused for medical examination and applicant is student. He is only 18 years old. But considering gravity of offence, *prima facie* involvement of applicant, at this initial stage it is not proper to release applicant on bail. There is possibility of tempering prosecution of evidence. Therefore, due to all above reasons, application deserves to be rejected and following order is passed -

ORDER

The application is rejected.

Pune.
Date – 15.02.2019.

(R.V.Adone)
Addl.Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of this P.D.F file order are same word for word as per original order.”

Name of the Stenographer (L.G.) : Shri. J. S. Kaite
Court Name : Smt. R. V. Adone,
Addl.Sessions Judge,Pune.
Date of Order : 15/02/2019
Order signed by
presiding officer on : 16/02/2019
Order uploaded on : 16/02/2019