

ORDER BELOW EXH.1

The applicant Padmakar Madhukar Edake, aged 50 years was arrested on 07.03.2024 in connection with C.R. No. 137/2024 registered in Loni Kalbhor Police Station under Section 376(2)(n), 506 of the Indian Penal Code and under Section 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012. He has filed this application for bail under Section 439 of the Cr.P.C. He contends that this is his first bail application and no other bail application is pending in any other Court.

2. The informant – mother of the victim girl aged 13 years 3 months and 25 days lodged the complaint on 07.03.2024 that the applicant is his neighbour and on 06.03.2024 when she returned home from work, her neighbour Ashwini told her that the victim girl has told her that the applicant was coming in her house when there was no other person except the victim in the house and he was showing the victim obscene videos and was indecently touching her on her breast and was insisting her that he may be allowed to do what he wants and then he will given her whatever she will want. The victim refused and the applicant threatened to kill her parents. The informant therefore, made inquiry with her victim daughter and she reiterated the said facts and she further stated that the applicant was removing her pant and the pant of himself and was trying to commit penetrative intercourse. The informant complained about the same to the applicant and he admitted his guilt and prayed for excuse. The complaint was therefore lodged and thus, the applicant came to be arrested.

3. The applicant has denied all the allegations and has contended that he has been falsely implicated. He admits that he is the neighbour of the informant. According to him, he is a married man having three issues. The husband of the informant asked the wife of the applicant to maintain physical relations with him prior to two months of lodging this F.I.R. and his wife told about the same to him and the quarrel took place between him and the husband of the informant. After 10 to 15 days, the victim girl was playing with the daughter of the applicant aged 5 years and they started quarreling to each other. The informant and her husband assaulted the daughter of the applicant. The applicant went to the Police Station to lodge complaint but the matter was settled as there was minor quarrel between children. On 06.03.2024, the victim was asking the applicant to give his mobile phone for playing which he refused and again quarrel took place between the applicant and the informant. This complaint is an outcome of the said quarrel.

4. The Ld. Advocate of the applicant submits that the allegations are apparently false even went through on their face value. The investigation is completed and the charge-sheet is filed. The applicant is the local resident and he has no criminal antecedents. He will abide by all the conditions those would be imposed and he will not flee away. He therefore, prays that the applicant be released on bail.

5. The application is resisted by the Investigating Officer by filing say (Exh.9) contending that the offence is serious and if the

applicant is released on bail, there would be no fear of law in his mind. The Ld. A.P.P. submits that taking into consideration the sexual harassment to a minor girl, the applicant will not be entitled to be released on bail. The informant has filed her say (Exh.7) opposing this bail application contending that due to sexual assaults caused by the applicant, the victim girl is under mental trauma and if he is released on bail, he will pressurize the prosecution witnesses and therefore, he may not be released on bail. She has also filed written notes of her submissions (Exh.8).

6. Having considered the rival submissions, the nature of offence and the nature of allegations, I am of the view that since the investigation is completed and charge-sheet is filed, further detention of the applicant would not be necessary. The suitable conditions would take care of the apprehension posed by the complainant and prosecution. Having found this, I am inclined to release the applicant on bail on certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Padmakar Madhukar Edake, aged 50 years who was arrested on 07.03.2024, in connection with C.R. No. 137/2024 registered in Loni Kalbhor Police Station under Section 376(2)(n), 506 of the Indian Penal Code and under Section 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- with surety of the like amount.
- 3] 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.

- 4] The applicant shall not contact with the victim and family members, in any manner.
- 5] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 6] The applicant shall not leave India without prior permission of this Court.
- 7] Violation of any of these conditions would entail a ground for cancellation of bail.
- 8] Bail application stands disposed of accordingly.

Pune.

Date – 26.06.2024.

(S.R. Salunkhe)
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	- Sau.S.V.Thakar (Steno G-1)
Court Name	- S. R. Salunkhe, Addl. Sessions Judge, Pune.
Date of Order	- 26.06.2024
Order dictated on	- 26.06.2024
Order transcribed on	- 26.06.2024
Order signed by P.O.	- 26.06.2024
Uploaded on	- 27.06.2024