

**ORDER BELOW EXH.1**

1] This application has been filed by the applicant for seeking pre-arrest bail u/s. 438 of Code of Criminal Procedure in connection with CR No. 12/2024 registered with Sangvi police station for the offences p/u/s. 376, 366-A, 354, 506 of the Indian Penal Code and p/u/s. 4,8 of the Protection of Children from Sexual Offences Act. [Hereinafter Indian Penal Code referred to as “IPC” and 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. The informant has filed say and resisted this application.

3] Heard Ld. Advocate for the applicant and Spl. PP. for the State. Perused application, say filed by the prosecution and police papers.

4] Prima facie it appears that the victim is child. She is 15 years old. No doubt, she had been taken by the applicant with her consent. But it seems from the medical evidence that prima facie there is evidence of penetrative vaginal intercourse. Considering the allegations against the applicant, his custodial interrogation is necessary. Further, it seems that the mother of the victim has filed say and specifically stated that the victim is under trauma and scared of the applicant.

5] Ld. Advocate for the applicant has placed his reliance in -

***i] Anirudha Radheshyam Yadav Vs. The State of Maharashtra reported in 2020 ALL MR (Cri) 1351,***

***ii] Imran Iqbal Shaikh Vs. The State of Maharashtra in Bail Application no. 997 of 2022 decided on 26.04.2023.***

The authorities cited above are in respect of the bail under Section 439 of Cr.P.C.

6] In the facts and circumstances, it is not just and proper to grant pre-arrest bail to the applicant. Therefore, application is to be rejected. With this I proceed to pass following order.

**ORDER**

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.  
Date – 07.05.2024.

(S.P. Ponkshe)  
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.

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|------------------------------|---|----------------------------------------------------|
| Name of Steno                | - | S.V. Thakar (Stenographer G-1)                     |
| Court Name                   | - | Smt. S. P. Ponkshe, Addl. Sessions Judge,<br>Pune. |
| Date of Order                | - | 07.05.2024                                         |
| Order dictated on -          |   | 07.05.2024                                         |
| Order transcribed on         | - | 07.05.2024                                         |
| Order checked signed by P.O. | - | 07.05.2024                                         |
| Uploaded on                  | - | 08.05.2024                                         |