

Order Below Ex.1.

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Sections 4, 5(L) r.w. 6 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 363, 366A, 376 of the Indian Penal Code. It is alleged that on 08-05-2016 at about 7.00 hours, the daughter of the complainant was missing from Bhagwati Nagar and hence complainant lodged missing report. Then the complainant came to know that applicant kidnapped victim girl and by giving false assurance of marriage, kept sexual relations with her forcibly. The offence then came to be registered against accused.

2] It is contended that the applicant has been falsely implicated. The applicant is having love affairs with the victim girl. However, the parents of the victim girl did not accept the same. It is further contended that there is no any direct or indirect evidence against present applicant. There is no recovery from this applicant. Investigation is practically over. There are no bad antecedents against the applicant. He is permanent resident of Pune, having roots over there. Hence, this is the application.

3] The application is opposed by the State by filing say at Exh.3. It is submitted that the investigation is yet to complete. If the applicant is released on bail, there is possibility of repeated crime and tampering with the prosecution witnesses. The offence is serious one. The girl is minor girl. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. Perused the record. On perusal of statement of victim girl, it seems that there was forcible sexual assault on her. It further reveals from the statement of victim girl that applicant kept sexual relations with her by giving false assurance of marriage to her. However, no marriage is performed. Medical report shows that there was forcible sexual assault. Victim girl is aged about 16 years. So, in my view, the offence is very serious. Investigation is yet to complete. The applicant had already kidnapped same girl earlier and offence was registered in Khadas police station. However, for the second time, the applicant has repeated the same act. It is very material to note that the applicant being aged about 19 years, was very well knowing that the legal marriage is not possible for two years, still, the applicant took the same girl again at various places and kept sexual relations against her with repeatedly with her. So the conduct of applicant shows that he is taking the victim girl every time only for satisfying his lust and nothing more. So in my view there is a prima facie case against the accused. There is possibility of tampering with the prosecution witnesses. Offence is serious. Considering all

the above aspects, I find it fit to reject the application. With this, following order is passed.

ORDER

The application stands rejected.

Pune.
Date 27-06-2016

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(Mangala J. Dhote)
Additional Sessions Judge,
Pune.

I affirm that the contents of this P.D.F. file Judgment are same word to word as per original Judgment.

Name of Steno : Mrs. P. P. Bokil (Steno H.G)

Name of Court : Mangala J. Dhote, Dist. Judge-4, Pune.

Order delivered on: 27-06-2016

Order signed on : 27-06-2016

Order uploaded on: 02-07-2016