

CRI.B.A. No.2137/2016**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 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 376, 506 of the Indian Penal Code. It is alleged that when complainant was studying in 8th standard, applicant/accused i.e. her natural father repeatedly touched her body and private parts. Applicant took her obscene photographs and showed her. Applicant created threat in the mind of complainant and by giving threats, applicant committed rape on her from time to time. It is further alleged that after 10th standard, she became pregnant. Applicant gave her tablets to cause abortion by forcefully. Applicants gave threats to her that if she inform this fact to her mother or brother, he would kill her.

2] It is further contended that on 18-01-2016, victim informed above facts to her friend Mrunal Gajendra Pawar. They both contacted Lata Suresh Sonavane – a Member of Bhartiya Mahila Federation in February, 2016 where she was suggested to go to Mahila Dakshata Committee and they suggested her to lodge complaint against accused. Again on 25-04-2016, applicant/accused

committed rape on her. FIR thus, came to be lodged against the applicant.

3] It is contended that the applicant has been falsely implicated in this case. There is no recovery/discovery at the hands of 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.

4] The application is opposed by the State by filing say on Exh.4. It is contended that the offence is serious. There is prima facie case against the applicant. The investigation is yet to complete. It is submitted that if the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. The rejection is thus prayed for.

5] Heard learned counsel for applicant. Perused the record. On perusal of record, it seems that there was forcible sexual assault on a minor girl aged 13 years by threatening her. The statement of victim girl shows that she has specifically named applicant for committing this act by giving threats to her. She further told that applicant committed rape on her number of times since seven years till 25-04-2016. The medical evidence also supports the case of prosecution.

6] It is very material to note that the accused is the natural/biological father of victim girl who has committed

this act from time to time. The act of the accused therefore is very shameful in the society at large affecting the relations between the father and daughter. The position of father is of trust. So, in my view, the offence is very serious. Investigation is yet to complete. As such, it seems that there is a prima facie case against the accused. There is possibility of tampering with the prosecution witnesses. 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.
Dated 11-07-2016.

sd/--
(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: 11-07-2016

Order signed on : 11-07-2016

Order uploaded on: 15-07-2016