

MHTH060035492022



ORDER BELOW EH.1 IN REG. BAIL APPLN. NO.1927/2022

The applicant Akash Sudhakar Gaikwad is praying for regular bail in connection with Crime No.366/2022 registered with Hill Line police station for the offences punishable under Sections 354 of the Indian penal Code and Sections 10 & 12 of Protection of Children from Sexual Offences Act.

2] The prosecution story is that, the applicant/accused is maternal uncle of the victim, a minor girl, aged about 13 years. On 1/10/2022 at 1.00 p.m., when she was in sleep, he came near her , moved his hand on her body and outraged her modesty.

3] The applicant contended that, he is innocent, has not committed the offence and falsely implicated in the crime. Nothing is to be recovered from him. He is permanent resident of the address mentioned in the application. He has no criminal antecedent. The investigation is over. He faced custodial interrogation. He is ready to abide by the conditions imposed, if any, while enlarging him on bail. Hence, prayed for regular bail.

4] The Investigating Officer through A.P.P. opposed the application by filing his say at Exh. 3. It is submitted that the offence is serious in nature. If the applicant is released, he may pressurize the victim and tamper prosecution witnesses. Therefore, prayed for rejection of application.

5] Heard learned Advocate Shri. Jadhav for applicant and learned APP Smt. Batheja for the state. Perused the record. The offences are not punishable with life imprisonment or death sentence. It appears that the accused faced custodial interrogation and is in Judicial custody since 03/10/2022. The I.O. and APP has not pointed out criminal antecedent of the applicant/accused. Nothing is to be recovered from him. The material investigation is almost over. Therefore, keeping the applicant behind bar for uncertain period is unwarranted. The apprehension of APP can be safeguard by imposing certain strange condition upon applicant for some period while releasing him on bail. Hence, the following order.

ORDER

- 1) Application is allowed.
- 2) The applicant Akash Sudhakar Gaikwad be released on executing P.R. bond of Rs.15,000/- with solvent surety in the like amount.
- 3) He shall not tamper prosecution evidence in any manner.
- 4) Applicant shall attend concerned police station as and when required in writing by Investigating Officer.
- 5) Inform concerned Police Station accordingly.

Date : 13/10/2022.

(Amol D. Harne)
Addl. Sessions Judge and
Special Judge, Kalyan