

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 215/2021 registered with Chinchwad police station for the offences p/u/s. 354, 354-D of Indian Penal Code and p/u/s. 12 of 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 bail to the applicant. It is contended that the nature of the offence is serious. There is every possibility of pressurizing the victim and witnesses, if the applicant is released on bail.

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

4] It is argued by Ld. Advocate for the applicant that just to harass the applicant, false case is filed against the applicant. There is delay in lodging the report. His parents are old one. Considering his age, it is not just to keep him behind the bars. The applicant is taking education and he is a student. Hence, the applicant has prayed for allowing the application.

5] The Ld. APP has strongly objected this application. It is urged that the applicant compelled the victim for love. Considering his

act she has urged for rejection of the application.

6] It indicates from the F.I.R. dated 09.7.2021 that the victim is 16 years old. Mother of the victim has lodged report. The victim knows the applicant and acquainted with each other. The allegations against the applicant discloses that the applicant was in love with the victim and the applicant was giving phone calls to the victim on that account. On 04.7.2021 the applicant called the victim at specific place where the victim went. At that place the applicant hold hands of the victim and expressed his love. Perused the statement of the victim also. It discloses from her statement that the applicant expressed his love towards her and on the day of the incident she went at the place where the applicant called the victim. He hold her hands at that time and expressed his love, to which she refused. In this background, it seems that the mother of the victim has lodged report on 09.7.2021.

7] The Id. Advocate for the applicant has placed his reliance in **Apoorv Omkar Pande V/s. The State of Maharashtra, Criminal Anticipatory bail No. 7308/2020, dt. 22.12.2020.** In the case in hands also it appears that the applicant expressed his feelings of love towards the victim by holding her hands on one occasion.

8] It appears that custodial interrogation of the applicant is not warranted. Considering the allegations against the applicant and nature of the offences and punishment provided for the said offences, it is just to release the applicant on bail by imposing stringent conditions so that the applicant will in no manner pressurise the victim. Therefore, the

application is to be allowed. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant Pradip Krishna Ambilwale @ Ambilwade be enlarged on bail on executing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- 3] The applicant shall attend concerned police station on every Monday between 10.00 am to 11.00 am till filing of charge-sheet.
- 4] 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.
- 5] The applicant shall make himself available and shall regularly attend each and every Court date.
- 6] The applicant shall not visit the locality where the victim is residing and he shall not confront himself before the victim directly or indirectly.
- 7] The applicant shall submit his address proof and phone details as well as phone details of his two close relatives to Investigating Officer.
- 8] The applicant shall not leave State of Maharashtra without prior permission of this Court.
- 9] Violation of any of the conditions imposed shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 23.7.2021.

(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.

Name of Steno	-	Arya Nikam (Stenographer G-1)
Court Name	-	Smt. S. P. Ponkshe, Addl.Sessions Judge,Pune.
Date of Order	-	23.7.2021.
Order dictated on -		23.7.2021.
Order transcribed on	-	23.7.2021
Order checked signed by P.O.	-	26.7.2021.
Uploaded on		-27.7.2021.