

ORDER BELOW EXH.1

1- Perused the application and say. Heard Advocate for applicant and APP for the State.

2- This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. No.55/19 registered at Saswad Police Station for the offence punishable under section 8, 10 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years lodged report stating that since one year applicant was following her and tried to talk with her, on 15-03-2019 she received message on her mobile and she asked who was sending message. Said person replied that number was saved with him and he sent message. Victim replied that not to sent her messages. Later on she received call on her mobile and other accused was talking like "he really likes her". She was frightened and did not narrate the incident to her parents. On 16/03/2019 she again received message from same mobile number and it was asked how was Ganesh Yadav i.e. present applicant. Said message was sent by present applicant himself and he and other accused repeatedly followed victim personally and by sending messages and thereby outraged her modesty.

3- According to applicant, he is falsely implicated in this matter. There is delay in lodging report. He is 21 years old and taking education. Investigation is practically over. Applicant is permanently resident of Purandar Pune. He has no criminal antecedents. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4- APP and I.O. objected this application on the ground that investigation is in progress. Statement of victim under Section 164 of Cr. P. C. is yet not recorded. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. So, they prayed to reject the application.

5- Allegations against the applicant are serious. Applicant is sufficiently interrogated. From statement of first informant i.e. victim role attributed to applicant can be gathered. She made allegations of sexual harassment by making phone call to her and following her. According to applicant, he is student and taking education. Considering nature of offence and allegations investigation is practically over, Personal custody of applicant is not required. Applicant is resident of Purandar, Pune. His career will spoil if he remained in jail for unknown period. Co-accused is released on bail and there is ground of parity. Applicant has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons and as applicant is resident of Pune, application deserves to be allowed with following order -

ORDER

- 1- The application is allowed.
- 2- The applicant Ganesh Vijay Yadav be released on executing P.R. bond of Rs.20,000/- with one or two solvent sureties in the like amount.
- 3- The applicant shall not tamper the prosecution witnesses in any manner.

- 4- The applicant shall attend Saswad Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge- sheet is filed.
- 5- The applicant shall not harass the victim and threat and pressurize the victim. Applicant shall not repeat offence.
- 6- The applicant shall co-operate investigating machinery as and when required.
- 7- Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.
Date -05.04.2019

Sd/-
(R.V.Adone)
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	- S.K. Sayyad, Steno Grade I
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 05.04.2019
Order signed by P.O.	- 05.04.2019
Order uploaded on	- 12.04.2019