

**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. 273/19 registered at M.I.D.C. Bhosari Police Station for the offence punishable under Section 354, 363, 506 of IPC and under section 7, 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 15 years lodged report of her missing. During investigation and after recording statement of victim, it revealed that she was acquainted with applicant, he proposed her and they were talking were each, meeting each other. On 22-03-2019, applicant asked victim that he want to marry with her and asked her to run away. They both went to Pune Railway Station and traveled from Manmad Passenger. In train applicant hugged her and moved his hand from her chest. He thereby outraged her modesty.

3- According to applicant, he is falsely implicated in this matter. It is case of love affair. Victim and her family members are tenant in his house. They were continuously meeting each other. Victim has attained age of sufficient maturity and she was with applicant since 22-03-2019 till 27-03-2019 and did not complain. Applicant is 19 and doing labour work. His career will spoil if he remained in Jail for unknown period. Investigation is practically over. Applicant is permanently resident of Moshi, District 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. Applicant sexually harassed victim by taking her in train. 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 applicant. Considering nature of offence and allegations investigation is practically over, Personal custody of applicant is not required. Applicant and victim were acquainted each other, both went to Pune Railway Station and traveled from Manmad Passenger. They went to Chandrapur and resided in the house of Aunt of applicant. Victim did not complain about sexual assault. Victim is about 15 years old and knows the consequences of act. These are mitigating circumstances. Applicant is labourer and 19 years old. His career will spoil if he remained in Jail for unknown period. Applicant is resident of Moshi, District Pune. 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 by imposing strict conditions with following order -

**ORDER**

- 1- The application is allowed.
- 2- The applicant Amol Jayprakash Borate be released on executing P.R. bond of Rs.25,000/- 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 M.I.D.C. Bhosari 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.
- 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 -08.04.2019

(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.

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|----------------------|---------------------------------------------|
| Name of Steno        | - U. S. More Steno Grade II                 |
| Court Name           | - Smt. R.V.Adone, Addl.Sessions Judge,Pune. |
| Date of Order        | - 08.04.2019                                |
| Order signed by P.O. | - 08.04.2019                                |
| Order uploaded on    | - 08.04.2019                                |

**CNR No.**  
**MHPU010050122019**

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**Cri.Bail Application No. 1656/2019**