

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.168/2019 registered at Shivajinagar Police Station for the offence punishable under section 354(A)(1) of the Indian Penal Code and under section 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 15 years lodged report stating that, applicant is her husband and father of victim, he used to consume liquor and beat his daughters and quarrel with her. She made complaint application, but there was no change in his behaviour. On 16/02/2019 she and her in laws went to work, at 3.30 p.m.,her mother in law receive call and victim told that her father i.e. applicant came at 2.30 p.m. by consuming liquor, asked meal and came on her person, threatened her by pointing knife, pressed her chest and other body parts, she resisted but he abused her and outraged her modesty.

3] According to applicant he is falsely implicated in this matter. No such incident has taken place. There is domestic quarrel between him and first informant. He is doing labour work. Investigation is practically over. There is delay in lodging report. He is permanently residing at Shivajinagar, 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. Victim is daughter of applicant, in her statement under section 164 of Code of Criminal Procedure they did not make similar allegation. Therefore, there is possibility of tampering prosecution evidence and witnesses. Applicant will pressurize victim and witnesses. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. Victim made allegations of her sexual harassment by her own father and report is filed by her mother. However, in statement U/sec.164 of Cr.P.C. victim and her mother only made allegations of beating and abusing by applicant to victim under influence of liquor. Quarrel took place due to reason of spilling of vegetable. Victim stated that her husband hold collar of her kurta. Considering above statement U/sec.164 of CR.P.C., there are mitigating circumstances. Moreover, considering allegations and nature of offences, investigation is practically over. Personal custody of applicant is not required. Applicant is doing labour and his family members are depending on him. Applicant is resident of Shivajinagar, 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 Shivajinagar, Pune, application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Santosh Massa Jagtap 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 Shivajinagar 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 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 -12/04/2019.

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	- 12.04.2019
Order signed by P.O.	- 12.04.2019
Order uploaded on	- 15 .04.2019