

ORDER BELOW EXH.1

1- Perused application and say. Heard Advocate for applicant and A.P.P. for State. Perused documents.

2- This is first bail application filed under section 438 of Cr.P.C. by applicant in respect of apprehension of his arrest in C.R. No. 193/2019 registered at Shirur Police Station for the offence punishable under sections 354(D), 341 of Indian Penal Code, under section 4, 8 and 12 of Protection of Children from Sexual Offences Act. It is alleged that victim aged about 17 years lodged report stating that she was doing beauty parlor course. Since one year present applicant used to asked her that he want to talk with her, she ignored, he was following her till her college. She narrated about the same to her parents. On 15.03.2019 applicant followed her on his motorcycle , asked her that he likes her and thereby outraged her modesty.

3- According to applicant he is falsely implicated in this matter. He is doing service and pursuing his career. There is doubt about aged of victim. Considering allegations custodial interrogation with applicant is not required. He has no criminal antecedents. He is only 23 years and resident of Shirur District Pune. Due to levelling of offences punishable under section 354(D) of Indian Penal Code, under section 12 of POCSO Act he has apprehension in his mind about his arrest. So, he prayed to grant protection under section 438 of Code of Criminal Procedure.

4- A.P.P. and I.O. objected the application on the ground that investigation is in progress. Applicant and victim are belonging to

different religion. Applicant will pressurize victim, witnesses. There is possibility of tampering prosecution evidence. Applicant has criminal antecedents, so they prayed to reject the application.

5- From first Information Report, role attributed to applicant can be gathered. There is allegation stalking of victim by him for about one year. According to applicant his marriage is going to perform on 07.04.2019. Therefore, the report was lodged by making false allegations. He relied on Whatsapp messages, call details to show that victim was calling him repeatedly. These are mitigating circumstances. Moreover, considering allegations, personal custody of applicant is not required. He is doing job and is 23 years old. His career will spoil due to arrest and apprehension in his mind is reasonable. There is nothing on record to show that, he has committed breach of any condition imposed while granting ad-interim protection. So it is proper to grant him protection under sections 438 of Code of Criminal procedure and following order is passed.

ORDER

- 1- The application is allowed.
- 2- Order dated 29/03/2019 is made absolute and in the event of arrest in Crime no. 193/2019 registered at Shirur Police Station, the applicant Pravin Gokul Gavhane be released on executing P.R. bond of Rs.20,000/- with one or two solvent sureties in the like amount on following conditions.
 - i) The applicant shall not tamper the prosecution evidence in any manner.
 - ii) The applicant shall attend Shirur Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.

- iii) The applicant shall not harass, threat and pressurize victim.
Applicant shall not meet victim and shall not repeat offence.
- iv) Inform to Shirur Police Station accordingly.

Pune.
Date – 26.04.2019.

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	- 26.04.2019
Order signed by P.O.	- 26.04.2019
Order uploaded on	- 30.04.2019