

ORDER BELOW EXH.1

1] This application has been filed by the applicant for seeking pre-arrest bail u/s. 438 of Code of Criminal Procedure in connection with CR No. 333/2022 registered with Khadak police station for the offences punishable under Section 354D r/w 34 of the Indian Penal Code and p/u/s. 12,16 of the 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 this bail application.

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

4] It seems that mother of the victim has lodged report against the applicant. The victim is 13 years and 1 month old. Date of birth of the victim is 22/10/2009. It reveals that brother-in-law of the informant had shown photograph of the victim along with one boy and it was sent to him by one Niranjan Polekar. The informant called the victim and victim told her mother that two years before at the time of marriage of her sister, she got friend request on her Instagram account and he told the victim that he received Insta-Id from married sister of the victim and he told that he is son of sister-in-law of married sister of the victim. He disclosed the victim that he likes her

and after 15 days married sister of the victim took the victim at Sarasbag where the applicant was present. He took self-y with the victim and told her at least they will keep friendship. Thereafter, married sister of the victim took the victim at the time of Ganpati at one place, where the applicant was present and he proposed the victim. Married sister of the victim took photographs of the victim and the applicant in the mobile phone of the applicant. After Diwali vacation, the applicant met the victim two to three times. On 07/11/2022, at 7.00 a.m. when the victim went to school, the applicant restrained her and told her, ' he likes her, re-think about him' and he went away. The applicant was following her though she did not have interest in him. After knowing about the same mother of the victim has lodged report against the applicant.

5] Considering the nature of the allegations and non disclosure of the act of the applicant by the victim since 2018, in the background of photograpgs, chats on record and punishment provided for the alleged offence, it appears that, his custodial investigation is not necessary. Hence, it is just to grant pre-arrest bail to the applicant by imposing conditions upon him. With this I proceed to pass following order.

ORDER

1] The application is allowed.

2] In the event of arrest of the applicant **Omkar Nandkumar Shinde** in connection with C.R. no. 333/2022 registered with Khadak Police Station, Pune, for the offences punishable under section 354D r/w 34 of the Indian Penal Code and p/u/s. 12,16 of the Protection of Children from Sexual Offences Act be released on executing P.R.

bond of Rs.50,000/- with surety in the like amount on the following conditions.

- 3] The applicant shall not tamper the prosecution evidence in any manner.
- 4] The applicant shall cooperate investigating machinery.
- 5] The applicant shall not harass, threat and pressurize first informant, victim and the witnesses.
- 6] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 7] Application stands disposed of accordingly.

Pune.
Date – 29/12/2022

(S.P. Ponkshe)
Addl. Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno - Sau.Bharati D. Gaikwad (Steno G-1)
Court Name - Smt. S. P. Ponkshe,
Addl.Sessions Judge,Pune.
Date of Order - 29/12/2022
Order signed by P.O. - 29/12/2022
Uploaded on - 30/12/2022

