

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No.723/2021 registered with Kondhwa police station for the offences under Sections 363,354-B of Indian Penal Code and under Section 8 of 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 Ld. APP for the State. Perused application, say filed by the prosecution and police papers.

4] It is argued by Ld. Advocate for the applicant that there are no criminal antecedents against the applicant. He has prayed for releasing the applicant on bail.

5] Ld. APP has objected application and urged that the informant is 13 years old and studying in 9th std. She was kidnapped from lawful custody and alleged act has been done by the applicant. Presence of the applicant is not disputed. Investigation is incomplete. There is no evidence of permanent residence of the applicant. Hence, prayed for rejection of the application.

6] The victim has lodged report against the applicant. It appears that on 25.08.2021 the applicant met the victim and told her that her father called her and asked her to go with him to meet

her father. Therefore, the victim sat on motorcycle of the applicant to meet her father. The applicant took the victim at hilly area at Wadachiwadi at about 3.00 p.m. Upon asking by the victim, the applicant told her wait for her father and he pulled night pant of the victim and removed his shirt and pulled her towards him and kissed the victim. Then the victim pushed him away. At that time, the applicant started to beat her as she again wore night pant. Then the victim ran from the spot, but the applicant caught hold her and compelled her to sit on the motorcycle and took her to home.

7] It appears prima facie that there are allegations against the applicant under Section 354-B of the IPC and Section 8 of POCSO Act. The victim is only 13 years old. There is prima facie material showing involvement of the applicant in commission of the crime. Further, it seems that investigation yet not completed. Considering nature of allegations and punishment provided for the alleged offences, it is not desirable to release the applicant on bail at this stage, when investigation is in progress. Therefore, at this stage of investigation, it is not just and proper to release the applicant on bail. Therefore, application is to be rejected. With this, I proceed to pass the following order:

ORDER

The application is rejected.

Pune.
Date – 15/09/2021.

(S.P. Ponkshe)
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	- Sau.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl.Sessions Judge,Pune.
Date of Order	- 15.09.2021
Order dictated on	- 15.09.2021
Order transcribed on	- 16.09.2021
Order signed by P.O.	- 17.09.2021
Uploaded on	- 17.09.2021