

ORDER BELOW EXH.1

(Kiran Vilas Aandalkar V/s. State of Maharashtra)

1] Perused 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.1990/2020 registered at Sinhgadroad Police Station for the offence punishable under section 354D, 452 of the Indian Penal Code and under section 11,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years 3 months lodged report stating that applicant resides near her house and there was friendship between her and applicant since 2016. Prior to 2 years in February-2018 applicant proposed her, but she refused. Parents of victim convinced applicant. Later on, applicant started harassing victim by following her. On 01.7.2020 at about 10.00 am victim was alone in house, applicant tried to enter in her house though she obstructed him. He later on forcibly entered in her house, hold hand of victim and proposed her.

3] According to applicant he is falsely implicated in this matter. There is love affair between him and victim, but her parents pressurized her to lodge false report. Victim is major on the day of incident, therefore provisions of Protection of Children from Sexual Offences Act are not attracted. There is delay in lodging report. He is 21 years old and student. He is pursuing his career. He is permanently residing at Hingane Khurd, 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. Act was repeated by applicant since 2018. Statement of victim u/s. 164 of Cr.P.C. is yet not recorded. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. From statement of victim role attributed of applicant can be gathered. There are allegations of harassment of victim by applicant by proposing her repeatedly and by forcibly entering in her house. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. Applicant is resident of Hingne Khurd, Dist-Pune. He is 21 years old and student. He is pursuing his career. Applicant has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Kiran Vilas Aandalkar be released on executing P.R. bond of Rs.20,000/- 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 Sinhgadroad 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 meet the victim and threat and pressurize the victim, shall not repeat the offence, shall not enter into vicinity of residence of 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 – 09.7.2020.

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	- Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 09.7.2020.
Order signed by P.O.	- 09.7.2020.
Order uploaded on	- 10.7.2020.