

CRI.B.A. No.2576/2016**Order Below Ex.1.**

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and under sections 376 and 506 of the Indian Penal Code. It is alleged that the applicant forcibly kept physical relations against with the complainant i.e. victim girl against her wish by giving intimidation that if she conveyed this fact to anyone the applicant would kill her. Due to said relationship the complainant i.e. victim girl got pregnant. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. There is no direct or circumstantial evidence against the applicant. He has no specific role to play so far as offence of rape is concerned. There is delay in lodging FIR. There are no bad antecedents against the applicant. He is permanent resident of Pune, having roots over there. Hence, this is the application.

3] The application is opposed by the State by filing say. The applicant forcibly kept sexual relations with the victim girl against her wish. If the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. The offence is serious one. Investigation is yet to complete. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. It seems from the FIR that the victim girl is aged about 17 years. When she was sleeping in the room, applicant came to her at midnight. Her parents were sleeping outside. The applicant repeatedly committed rape on her by coming to her at midnight. The FIR is completely silent that the accused gave assurance of marriage and by giving assurance he committed rape on her. Due to said relations, the victim girl became pregnant. When she was taken to the hospital, the FIR came to be lodged. So, considering the above aspects the offence is no doubt serious one. There is no assurance of marriage as such. Victim girl is minor. The offence is heinous one. As such, it seems that there is a prima-facie case against the accused. Matter is at pre-investigation stage. So, considering the specific role attributed to the applicant and the seriousness of the offences, I find no substance in the application. There is possibility of tampering with the prosecution witnesses. Moreover, considering the seriousness of the offence, police may require the custodial interrogation. I find it fit to reject the application. With this, following order is passed.

ORDER

The application stands rejected.

Pune.
Dated – 05.08.2016

(Mangala J. Dhote)
Additional 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.V.Thakar,

Court Name - Mangala J Dhote, Additional Sessions Judge,
Pune.

Date of order - 05.08.2016

Order signed by P.O. - 05.08.2016

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