

ORDER BELOW EXH.1

(Mukesh @ Mukya Kisan Raut 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.1085/2020 registered at Lonavala Police Station for the offence punishable under section 354 of the Indian Penal Code and under section 7, 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 8 years lodged report stating that on 20.10.2020 at 3.00 pm, victim played outside house and did not return. At about 5.00 pm first informant searched her near about and she was found near Sathe locality. Upon inquiry with her, she told that one person made her to sit on his horse and took her at some distance, then he made her to get down from that horse and took her at the side of road in one pit. He rubbed her body and slept on her person and she felt ashamed. He then left her on road. First informant made inquiry about that person and she told that he was at some distance, they went there and there was one person going on horse. Victim identified him and then report was filed.

3] According to applicant he is falsely implicated in this matter. Victim was standing alone near water tank and by seeing horse, she insisted to sit on that horse and due to her insistence, applicant made victim to sit on horse and roamed her, left her near water tank. As victim went with him without telling her parents, he is

falsely implicated. His name is not mentioned in F.I.R. Applicant is 25 years old and doing business. His family members are depending on him. Investigation is practically over, his personal custody is not required. He is permanent resident of Lonavala, 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. Statement of victim u/s. 164 of Cr.P.C. yet not recorded. There is possibility of tampering prosecution evidence by giving threat and pressure to victim and witnesses. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of first informant and victim role attributed to applicant can be gathered. It is not disputed that applicant was horseman and doing business of roaming children on horse. In F.I.R., there are allegations of outraging modesty of victim by applicant by making her to sit on horse, taken her at some distance, getting her down at the side of road in one pit and rubbing her body, sitting on her person etc. Per contra, according to applicant, due to insistence of victim, he made her to sit on horse, roamed with her and then left her at water tank only due to fact that she went with him without telling her parents, he is falsely implicated. Victim narrated in detail about act of applicant and told that as he slept on her person, rubbed her body she felt ashamed. She also identified applicant as a same person. Moreover, investigation in this matter is in progress. Statement of victim u/s. 164 of Cr.P.C is yet

not recorded. Considering age of victim and applicant, he is in influential position over victim. There is possibility of giving threats and pressure to victim and witnesses. So, as investigation is still going on, due to gravity of offence, at this initial stage it is not proper to release applicant on bail. Hence, following order is passed:-

ORDER

Application is rejected.

Pune.
Date – 09.12.2020.

(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
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 09.12.2020.
Order signed by P.O.	- 09.12.2020.
Order uploaded on	- 10.12.2020.