

ORDER BELOW EXH.1

(Akshay @ Akash Madhukar Turukmare 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. 1009/2019 registered at Pimpri Police Station for the offence punishable under section 354-A, 323, 504 r/w. S. 34 of the Indian Penal Code and under section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years lodged report stating that on 01.10.2019 at about 8.30 pm she along with her family members went at New Siddharth Mitra Mandal for playing Garba. She and her brother was returning to house at 11.00 pm, at that time, present applicant Akshay, other accused came from four wheeler, present applicant asked victim to sit in vehicle, she refused, he pulled her Dupatta and touched her chest and thereby outraged her modesty. Thereafter, other accused got down from car and gave kick and fist blows to her brother, also abused him.

3] According to applicant he is falsely implicated in this matter. He is sufficiently interrogated. Co-accused is released on bail and anticipatory bail is granted in favour of other accused, therefore, there is ground of parity. There is enmity between brother of first informant and applicant, so he is falsely involved. Investigation is practically over. Nothing is to be recovered from him. Applicant is 24 years old and doing service. He is permanently resident of Pimpri 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. 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 interrogated. From statement of victim role attributed to applicant can be gathered. It is alleged that applicant Akshay touched victim inappropriately and other accused abused and gave kick and fist blows to her brother. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. Protection u/s. 438 of Cr.P.C. is granted to co-accused Sachin and other accused are released on bail, so there is ground of parity. Applicant is 24 years old and doing service, his family members are depending on them. He 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 Akshay @ Akash Madhukar Turukmare 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 Pimpri 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 – 27.7.2020.

(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 (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 27.7.2020.
Order signed by P.O.	- 27.7.2020.
Order uploaded on	- 28.7.2020.