

ORDER BELOW EXH.1

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. 18/18 registered at Khadki Police Station for the offence punishable under section 354(A)(4),354(C) of the Indian Penal Code, under section 67 of Information Technology Act and under section 11,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that First Information Report is filed by maternal sister of the victim about incident dated 12.01.2018 and 15.01.2018. On 12.01.2018 victim was bathing, she realized that somebody was doing video shooting from his mobile through open space of tin. So she shouted. Her grandmother came and saw present applicant running away. Parents of the victim asked mother of applicant about the same but she refused incident by her son. On 15.01.2018 victim was returning to house from college, at that time friends of the applicant including another accused were sitting on bench, other accused Sunny Dubale shouted that present applicant has sent them video of victim while bathing and she was looking sexy. Therefore, victim frightened and report was lodged about the incident as applicant and his friend outraged her modesty.

3] According to applicant he is falsely implicated in this matter. He is only 19 years old and taking education. He is resident of Khadki, Pune and has no criminal antecedents. He is ready to co-operate investigating machinery. 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 has previously did similar acts and he is habitual one. Mobile handset is recovered from the applicant which includes photos. This shows that applicant is involved in this offence. Applicant will tamper prosecution evidence, threat and pressurize victim and witnesses if released on bail. There is possibility of repeating the offence and absconding. There is threat to the life of victim from applicant. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From First Information Report and police papers, it appears that there is allegation of video shooting done by the applicant when victim was bathing and it was sent by applicant to his friends including other accused. Recovery is made from the applicant and as per police there is prima-facie evidence to show the involvement of the applicant in this offence.

6] Most importantly investigation in this matter is going on. Victim is residing with her grandmother as her parents expired. Her grandmother filed affidavit stating that there is danger to the life of victim from applicant as relatives of applicant are pressurizing victim and threatening to kill her. Considering this possibility of tampering evidence cannot be ruled out. Investigation is going on. Therefore, at this initial stage, it is not proper to release the applicant on bail due to gravity of the offence. Due to all above reasons application deserves to be rejected with following order -

ORDER

The application is rejected.

Pune.
Date – 02.02.2018.

(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	- S.V.Thakar,
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 02.02.2018
Order signed by P.O.	- 02.02.2018
Order uploaded on	- 06.02.2018