

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. 894/17 registered at Shirur Police Station for the offence punishable under section 376,363,366A read with 34 of the Indian Penal Code and under section 4,8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of victim lodged report of her missing. During investigation and after recording statement of victim, it revealed that accused Shrikant Rajaram Dighe kidnapped victim, induced her and tried to commit sexual intercourse with her under pretext of marriage. Present applicant is friend of main accused Shrikant. Victim and main accused resided in the house of sister of present applicant at Yawat and then in the house of mother of present applicant at Sangola. Though applicant was aware that victim was minor, he assisted main accused, therefore, report is filed against him also.

3] According to applicant he is falsely implicated in this matter. He is looking after his family members. He has no criminal antecedents and ready to abide the conditions. So, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Victim is minor. Applicant has committed forcible sexual intercourse with victim by inducing her under pretext of marriage. Main accused is relative of victim. Victim was kidnapped from her school. Applicant will pressurize victim and witnesses. There

is possibility of tampering the evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From the statement of victim and police papers, role attributed to applicant can be gathered. As per prosecution case, victim and main accused Shrikant are relatives and acquainted with each other. Main accused proposed victim and victim went along with him on 18.12.2017. Firstly, they resided in the house of sister of present applicant and then in the house of mother of present applicant. As per prosecution case, applicant assisted main accused in kidnapping victim and also provided them place for residence.

6] Considering allegations against the applicant, investigation is practically over. Personal custody of applicant is not required. There is no allegation of offences punishable under section 376 of Indian Penal Code against this applicant. Applicant has no criminal antecedents. He is only 19 years old and looking after his family members. 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 Rajendra Maruti Bartake be released on executing P.R. bond of Rs.20,000/- with one or two solvent sureties in the like amount, out of which one local surety be furnished.
- 3] The applicant shall not tamper the prosecution evidence in any manner.

4] The applicant shall attend Shirur 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.

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 – 03.03.2018.

(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	- 03.03.2018
Order signed by P.O.	- 03.03.2018
Order uploaded on	- 07.03.2018