

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. 323/2019 registered at Khadak Police Station for the offence punishable under section 354-D of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 15 years lodged report stating that on 10.8.2019 mobile was found in bag of victim in her school, therefore first informant was called in school of victim. When Headmistress of school inquired with victim, victim told to her in presence of first informant that in July-2019 she and her sisters going to school, applicant was following her, he insisted her to marry with him and told that he likes her. He threatened her that he would do something bad to his life, if she refused to marry with him. He attempted to cut his hand. The Child in conflict with law was following her sister i.e. another victim and insisted her sister to marry with him. So, in respect of both these incidents, mother of victim lodged report.

3] According to applicant he is falsely implicated in this matter. Investigation is practically over. Applicant has no criminal antecedents. He is 21 years old and is doing job. His family members are depending on him. He is resident of Market yard, Pune. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and Investigating Officer objected this application on the ground that investigation is in progress. Statement of victims u/s. 164 of Cr.P.C. are yet not recorded. 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 first informant and victims, role attributed to applicant can be gathered. Victim made allegations of her sexual harassment by applicant by repeatedly following her and insisted for her marriage. Similar allegations are made to another victim by child in conflict with law. Considering allegations and nature of offence, investigation is practically over. Personal custody of applicant is not required. He is 21 years old and is doing job. His family members are depending on him. He is resident of Market Yard, Pune. Applicant 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 Yogesh Bhima Gujale be released on executing P.R. bond of Rs.25,000/- 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 Khadak 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 – 17.8.2019.

Sd/-
(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	- 17.8.2019.
Order signed by P.O.	- 17.8.2019.
Order uploaded on	- 20.8.2019.