

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. 87/2021 registered at Khadki Police Station for the offence punishable under section 354A 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 13 years lodged report stating that on 3.3.2021 at 6.30 pm she was in house, victim came and told that victim was playing in gallery of house, neighbourer i.e. applicant was in his garden. He asked her to see towards him. First informant asked to ignore them. Victim again went for playing. Applicant was calling victim, so first informant went in gallery and saw that accused was exhibiting his penis from his pant to victim and thereby, outraged her modesty.

3] According to applicant he is falsely implicated in this matter. Investigation is practically over. He is 40 years old and doing service. He is government servant. His family members are depending on him. He is temporarily resident of Khadki, Pune and permanently of Pashan, 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. Applicant and first informant are neighbourers, so there is possibility of tampering prosecution evidence. He is residing in rented premises, so there is possibility of his absconding. 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. There are allegations of exhibiting private part of applicant to minor victim. In police papers, there are statements of witnesses in that regard. Therefore, considering allegations and nature of offence investigation is practically over. Applicant is interrogated, his personal custody is not required. However, applicant and victim are residing in same locality. Moreover, in view of age of victim and grounds about similar type of offence, there is gravity of offence. So, while considering bail application strict conditions are to be imposed. Applicant is 40 years old, doing government service. His family members are depending on him. He filed on record copy of his Identity Card issued by Executive Engineer, MSEDCL, Shivajinagar Division. Therefore, his presence can be secured. He is resident of Pashan, Pune. As per police reply, he is residing on rent at Khadki, Pune. Due to this also, there is possibility of his absconding, and in that regard strict conditions and heavy surety is to be imposed. 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 Laxman Ram Bhise be released on executing P.R. bond of Rs.50,000/- with one or two solvent sureties in the like amount. Local surety be furnished, it be verified from police.
- 3] The applicant shall not tamper the prosecution witnesses in any manner.
- 4] The applicant shall attend Khadki 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 – 23.3.2021.

(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	- 23.3.2021.
Order signed by P.O.	- 23.3.2021.
Order uploaded on	- 25.3.2021.