

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State. Notice issued to first informant.

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. 101/2021 registered at Bhosari Police Station for the offence punishable under sections 366, 376(2)(i), 506 of the Indian Penal Code and under section 4 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of victim aged about 13 years 1 month lodged report stating that they were residing on rent. On 27.1.2021 victim was in frightened condition and there was change in her behaviour. Therefore, first informant and family members decided to reside at some other place on rent and they shifted on 2.1.2021. But, there was no change in behaviour of victim so first informant and his wife inquired with victim who narrated that on 27.1.2021 when victim and her brother were in house, accused residing in their building and working as Manager in respect of collecting rent came in their house, asked victim to go with him at terrace, she refused but he threatened to kill her parents and took her in open space of staircase, applicant tied dupatta of victim on her mouth so that she could not make hue and cry, he forcibly remove her clothe, tied her hand and legs by string and forcibly committed sexual intercourse with her. He threatened to kill her parents if incident was disclosed to anyone.

3] According to applicant he is falsely implicated in this matter. He never committed alleged act. There is delay in lodging F.I.R.

Investigation is practically over. Applicant is married person aged about 29 years. He is working as a Sweeper. His family members are depending on him. He is permanently residing at Alandi Road, Bhosari, 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. In view of allegations, there is gravity of offence. Applicant committed forcible sexual intercourse by tying mouth of victim with help of dupatta and her hand and legs with the help of string. 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. From statement of victim and first informant role attributed to applicant can be gathered. Victim narrated in detail the act of applicant and fact that he forcibly committed sexual intercourse with her by tying her hand and legs with the help of string and mouth by means of dupatta. He then threatened to kill her parents if incident disclosed to her family members. Victim is only 13 year old and applicant is married person aged 29 years old. He is in dominating position over victim. Advocate of applicant submitted that there is dispute on the ground of rent collection and he is falsely implicated. But in police papers, there is medical report of victim in which she narrated similar history of non consensual forcible sexual intercourse. Doctor opined that there is evidence of vaginal penetration. So, from police papers prima facie

involvement of applicant in the offence can be gathered. There is nothing on record to show that statement of victim u/s. 164 of Cr.P.C. is recorded, so as investigation is in progress there is every possibility of giving threat and pressure to victim and witnesses by applicant. So, in view of above reasons, in view of seriousness of offence, at this initial stage, it is not proper to release applicant on bail. Hence, application deserves to be rejected with following order

ORDER

Application is rejected.

Pune.
Date – 22.4.2021.

(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	- Sau. Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 22.4.2021.
Order signed by P.O.	- 22.4.2021.
Order uploaded on	- 26.4.2021.