

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. 110/2021 registered at Kondhwa Police Station for the offence punishable under section 354, 504 of the Indian Penal Code and under section 8, 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 12 years lodged report stating that on 7.2.2021 victim went with their pet dog in society compound at 9.45 am, she returned at 10.10 am and was crying. Upon inquiry she told that guard did bad touch at backside of club house, he pressed her chest and asked her whether she felt good. He threatened her not to disclose incident in the house. Later on, first informant asked victim who was guard, then she identified present applicant Sikandar Shaikhlal Shaikh as a security guard who did above act with her.

3] According to applicant he is falsely implicated in this matter. He is arrested only on suspicion. He never committed alleged act. He belongs to respectable family. He is 64 years old and doing service. Investigation is practically over. He has no criminal antecedents. He is temporarily resident of Mohmmadwadi, Pune and permanently of Barshi, Dist-Solapur. 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 will pressurize victim and witnesses. Charge-sheet is to be filed. As he is permanently resident of Barshi, Dist-Solapur, 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 inappropriate touch to the chest of victim by applicant by pressing her chest. Victim identified present applicant as a security guard who did said act with her. Statements of the most of the witnesses are recorded. So it appears that investigation is practically over. Moreover, considering allegations and nature of offence further custody of applicant is not required. He is sufficiently interrogated. He is 64 years old and doing service. His family members are depending on him. He is temporarily resident of Mohmmadwadi, Pune and permanently of Barshi, Dist-Solapur. Applicant has no criminal antecedents. In view of age of victim and gravity of offence, it is proper to impose strict conditions while granting bail application. 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 Sikandar Shaikhlal Shaikh be released on executing P.R. bond of Rs.40,000/- with one or two solvent sureties in the like

amount. Local surety be furnished.

3] The applicant shall not tamper the prosecution witnesses in any manner.

4] The applicant shall attend Kondhwa 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 – 24.3.2021.

(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	- 24.3.2021.
Order signed by P.O.	- 25.3.2021.
Order uploaded on	- 26.3.2021.