

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. 166/2021 registered at Yerwada Police Station for the offence punishable under sections 363, 354D, 506 of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of victim aged about 16 years lodged report stating that on 17.3.2021 victim left the house under pretext of going for swimming, but she did not return till 5.00 pm. So, inquiry was made with her friends, relatives, but she was not found. At night 10.00 pm victim returned to house and was in frightened condition. Upon inquiry with her she narrated that applicant told that he loves her, proposed her, asked her to go with him otherwise threatened to commit suicide. Applicant took her at Vimannagar where he forcibly kissed her at lip and cheek.

3] According to applicant he is falsely implicated in this matter. Considering nature of offence, investigation is practically over. Personal custody of applicant is not required. Applicant is 20 years old and doing service. His family members are depending on him. He is permanently residing at Hadapsar, 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 repeatedly followed victim since 1 year. He will pressurize victim and witnesses and will tamper prosecution evidence. 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. From statement of victim it revealed that she was acquainted with applicant, there was friendship between them, they were meeting each other during practice of athletics, in August-2020 applicant proposed her, father of victim learnt about the same and he convinced applicant. On 17.3.2021 applicant took victim at Vimannagar by giving threats, by proposing her and forcibly kissed her. Victim refused for medical examination by stating that she herself is responsible in case of any difficulty in future. Victim and applicant were acquainted with each other and there was friendship. Moreover, considering nature of offence and allegations, investigation is practically over. Applicant is sufficiently interrogated, his personal custody is not required. He has no criminal antecedents. He is only 20 years old and doing service and his family members are depending on him. He is permanently residing at Hadapsar, Pune. 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 Faiz Irfan Shaikh be released on executing P.R. bond of Rs.20,000/- with one or two solvent sureties in the like amount.
- 3] The applicant shall not tamper the prosecution evidence in any manner.
- 4] The applicant shall attend Yerwada 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, harass, 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 -5.4.2021.

(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	- 05.4.2021.
Order signed by P.O.	- 05.4.2021.
Order uploaded on	- 6.4.2021.