

CRI.Bail Appln.no.4407/16**Order Below Ex.1.**

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and under Section 363 of the Indian Penal Code. It is alleged that on 13.12.2016 the applicant kidnapped the daughter of the complainant aged about 17 years from her guardianship. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. There are love affairs between the applicant and the victim girl. Investigation is practically over. No custodial interrogation is necessary. There are no bad antecedents against the applicant. He is permanent resident of Pune, having roots over there. Hence, this is the application.

3] The application is opposed by the State by filing say. It is contended that offence is serious. Victim girl is minor. It is submitted that if the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. Investigation is yet to complete. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. Perused the FIR, the statement of the victim girl. On perusal of statement of victim girl, it seems that she was having love affairs with the applicant since last one year. The applicant used to come to her

house in absence of her family members. The applicant by giving assurance of marriage, kept sexual relations with her. It further appears that she went to Jalana along with the applicant, they went to the house of sister of the applicant, however, the father of applicant raised objection and asked them to approach police station. Ultimately, they approached police station where the applicant came to be arrested. So, her entire statement is silent that there was any sexual assault on her by the applicant. Even in the medical certificate, there are no marks of sexual assault. There are no marks of violence or resistance. The victim girl is aged about 17 years, she attained the age of understanding. She her own accord left her home. They are having love affairs and intended to marry. However, before marriage, they have been caught. Considering all the above aspects, personal custody of the applicant is not required for the purpose of investigation. Moreover, the applicant is the permanent resident of place mentioned having roots over there. Under the circumstance, I am satisfied to enlarge the accused on bail. With this, I proceed to pass the following order-

ORDER

- 1] The application is allowed.
- 2] The applicant Aniket Namdev Garud be released on executing P. R. bond of Rs. 15,000/, with one surety in the like amount.
- 3] The applicant shall supply documentary evidence of his

permanent address and shall file affidavit in support thereof.

- 4] The applicant shall not tamper with the prosecution witnesses in any manner.
- 5] The applicant shall report to the concerned police on every Monday between 4.00 p.m. to 5.00 p.m. till filing of the charge-sheet.
- 6] The applicant shall not meet the victim girl till the trial is over.

Pune.

(Mangala J. Dhote)

Date – 22.12.2016

Additional 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 - S.V.Thakar,

Court Name - Smt.Mangala J Dhote, Additional
Sessions Judge, Pune.

Date of order - 22.12.2016

Order signed by P.O. - 22.12.2016

Order uploaded on - 02.01.2017

