

CRI.Bail Appln.no.4404/16**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 Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 363,366A,376 of the Indian Penal Code. It is alleged that the applicant kidnapped the daughter of the complainant i.e. victim girl aged about 16 years from her lawful guardianship by giving assurance of marriage. It is further alleged that the applicant took the victim girl to Tuljapur and kept sexual relations with the victim girl against her wish. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. 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 case papers. On perusal of statement of victim girl, it seems that there is no force used by the applicant on her while taking her to various places. Admittedly, they are in love affairs with each other. There is no mention in the statement that there is any instance of

sexual assault or forceful sexual relations. The victim girl is more than 16 years old having the age of understanding. There are no threats as such given by the applicant in this regard. It is not the case of prosecution that she was threatened by the applicant not to disclose about the incident to anyone. So, though the victim girl is aged about 16 years she has attained the age of understanding, her long standing silence shows that she herself went the applicant and act of applicant appears to be consensual act. There are love affairs between the applicant and victim girl. Moreover, the applicant is the permanent resident of the place mentioned. Hence, in my view the personal custody of applicant is not required for the purpose of investigation. 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 Amol Prakash Kamble 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.
Date – 07.01.2017

(Mangala J. Dhote)
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 - Mangala J Dhote, Additional Sessions Judge,
Pune.

Date of order - 07.01.2017

Order signed by P.O. - 07.01.2017

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