



Order below Exh.1 in
Criminal Bail Application No.4400/2021

1] This is an application for pre arrest bail filed by the applicant u/s 438 of Code of Criminal Procedure in connection with CR No.53/2021 registered with Vishrambaug Police Station for the offences p/u/s. 363, 366(A), 376(2) of Indian Penal Code and p/u/s. 4, 8 of Protection of Children from Sexual Offences Act. [Hereinafter Indian Penal Code referred to as “IPC” and Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed the pre arrest bail claimed by the applicant.

3] Heard, Ld. Advocate for the applicant, Ld. APP for the State. Perused application, say filed by the prosecution and police papers.

4] It is argued by the Ld. Advocate for the applicant that she is just friend of mother of the main accused. There is not criminal antecedent against the applicant. Hence, prayed for allowing of the application.

5] Ld. APP has submitted that investigation is in progress. Considering the statement of the victim, custodial interrogation of the applicant is necessary for the purpose of investigation. Hence, prayed for rejection of the application.

6] It seems from the police papers that initially mother of the victim has lodged Report u/s. 363 of IPC as the victim did not find. Report was lodged on 24.4.2021. It is to be noted that age of the victim is 16 years and 10 months. It is revealed from the police papers, the victim and main accused eloped on 24.4.2021. The victim and the accused no.1 married on 11.5.2021 and they resided together. Further from the victim's statement it discloses that multiple times, the victim and the accused established consensual sexual intercourse.

7] In this background, there are allegations against the present applicant are that she has made arrangement of residence of the victim and the accused no.1 at Chakan and she supplied grocery to both of them through her father. Considering role of the present applicant and allegations against her, there is no need of her custodial investigation. Hence, it is just to grant pre arrest bail to the applicant and confirm interim protection granted to her. Thus, this application is to be allowed, with this I proceed to pass the following order.

ORDER

1] The application is allowed.

2] Interim protection granted to applicant **Sarika Nana Maral** is confirmed.

3] In the event of arrest, the applicant be released on executing P.R. bond of Rs.20,000/- [Rupees Twenty Thousand] with one or two sureties in the like amount on the following conditions :

[i] Applicant shall not tamper the prosecution evidence in any manner.

- [ii] Applicant shall not harass, threat and pressurise victim, first informant and witnesses.
 - [iii] Applicant shall attend concerned police station as and when called by the investigation officer and shall co-operate for investigation.
 - [iv] Applicant is directed not to indulge in illegal activities or other crimes.
- 4] Violation of any of the conditions imposed shall amount the cancellation of bail forthwith.
- 5] Inform concerned police station accordingly.
- 6] Bail application stands disposed of accordingly.

Pune.
Date – 30.07.2021

Sd/-
(S.P. Ponkshe)
Addl.Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of the P.D.F. File order are same word for word as per original Judgment.

Name of Steno - Govind M. Patil (Stenographer Grade-1)

Court Name - Smt. S. P. Ponkshe, Addl. Sessions
Judge, Pune.

Date of Order - 30.7.2021.

Order dictated on - 30.7.2021.

Order transcribed on - 31.7.2021.

Order checked and signed by P.O. - 06.08.2021.

Uploaded on - 06.08.2021.