

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant Yash Sanjay Awale u/s. 439 of Code of Criminal Procedure in connection with CR No. 106/2021 registered with Faraskhana police station for the offences p/u/s. 354(A) of Indian Penal Code and p/u/s. 8, 12 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 filed say and opposed this bail application. It is contended that, if accused released on bail, there is possibility of pressurising the victim and witnesses. Yet CA report is pending. Investigation is in progress. The first informant and applicant are relatives.

3] Heard Ld. Advocate for the applicant and 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, there is delay in filing of FIR and it is not explained. Allegations are only in respect of showing dirty pictures and touching to the victim inappropriately. Almost investigation is completed. Hence, prayed for allowing the application.

5] Learned APP has strongly objected for releasing the applicant/ accused on bail. It is urged that, the victim is only 11 years old. The applicant and the victim are relatives. Investigation is in progress. If the applicant released on bail, there is every possibility of

pressurising the victim and relatives. Hence, prayed for rejection of the application.

6] It indicates from FIR that, mother of the victim has lodged report. It seems that, the victim is 11 years. Admittedly, the applicant is relative of the victim. It indicates from FIR that, the victim gave phone call to her mother and informed that, the applicant was touching her inappropriately and showing her obscene videos and further he was giving threats to the victim if she informed about the incidence to anyone.

7] Prima facie it appears from the statement of the victim that, applicant is residing along with maternal uncle of the victim. Maternal uncle of the victim is residing near to the house of the victim. She has specifically stated that, the applicant had shown her obscene video and touched her person appropriately and therefore, she gave phone call from the mobile of others to her mother. The victim is only 11 years old and the applicant is 19 years old. Investigation of the crime is in progress. Applicant being relative, there is possibility of pressurising the victim and her parents, if he released on bail. Therefore, it is not just to grant bail at this stage. Hence, application is to be rejected. With this, I proceed to pass the following order.

ORDER

- 1] The Criminal Bail Application No. 4025/2021 is rejected.
- 2] The Criminal Bail Application No.4025/2021 stands disposed of.

Pune.

Date : 15/07/2021.

sd/-xxx

[S.P. Ponkshe]

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	-	Shri. D. L. Gudde, Stenographer- Grade I
Court Name	-	Smt. S. P. Ponkshe, Addl.Sessions Judge,Pune.
Date of Order	-	15.07.2021.
Order dictated on	-	15.072021.
Order transcribed on	-	16.07.2021.
Order checked and signed by P.O.	-	17.07.2021.
Uploaded on	-	17.07.2021.