

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 363, 376 (2) (i)(j), 323, 506 of IPC and sections 4, 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that on 12/12/2016 complainant Harshada Satish Jadhav filed complaint alleging that in the jurisdiction of village Uruli Kanchan, Near Shindavne, the applicant threatened the complainant and forcefully took her into Xylo four wheeler assaulted her by hand and threatened to kill her mother and father if she disclosed about the incident to them. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has not committed any offence. Applicant has been falsely implicated in this case. The complainant filed complaint against the present applicant under the pressure of her father. There is no any specific recovery from this applicant. There is no prima facie evidence against the accused. The applicant is permanent resident of place mentioned. Hence, this is the application.

3] The application is opposed by the State by filing say. The applicant forcibly kept sexual relations with the victim

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girl. If the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. The offence is serious one. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. Perused the case papers including the statement of the victim girl and the medical certificate. It seems from the statement of victim girl who is aged about 16 years that applicant/accused is her uncle who forced to sit in Xylo vehicle. Applicant/accused took her towards Solapur Road. She tried to shout however, there was threat by the applicant. At some distance again she has been threatened and she resisted the act of the applicant while committing sexual assault by saying that he is her uncle and he should not do this sexual assault forcefully. She has been threatened to kill by the applicant. If we see the medical certificate the history of sexual assault and forceful act of rape has been mentioned by the victim girl. Medical certificate also supports the case of prosecution at this stage. The vehicle has also been seized. Considering all the above facts and age of the victim girl as 16 years, I find that offence is seriousness and heinous one. There is no assurance of marriage as such by the applicant/accused while taking her away as per statement given by the victim girl. So, considering all the above aspects, I find it fit to reject the application. With this, following order is passed.

filed -
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ORDER

The application stands rejected.

Pune.

Date - 07.03.2017


(Mangala J. Dhote)

Additional Sessions Judge, Pune.