

CRI.B.A. No.2902/2016.**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 8 and 12 of the protection of Children from Sexual Offences Act,2012 and under Sections, 354,452 and 506 of the Indian Penal Code. It is alleged that on 09.08.2016 the applicant entered into the house of complainant and caught hold her daughter i.e. victim girl and threatened her to kill if she would disclose this fact to anyone and outraged her modesty. The FIR thus came to be lodged.

2] It is contended that the applicant has been falsely implicated in this case. There is no direct or indirect evidence against the applicant. 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 at Exh.3. 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 the Ld. counsel for the applicant. The offence is serious but, the personal custody of applicant is not required for the purpose of investigation. Offences are bailable. Moreover, the applicant is the permanent resident of place mentioned having roots over there. With this, I proceed to pass the following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Shivnath Adhinath Tupe be released on his 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 and shall co-operate the investigating agency as and when required.
- 5] The applicant shall not meet the victim girl till the trial is over.

Pune.

Date – 29.08.2016

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

Date of order - 29.08.2016

Order signed by P.O. - 29.08.2016

Order uploaded on - 14.09.2016

