

CRI.B.A. No.2857/2016**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 4 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 363,366A and 376 of the Indian Penal Code. It is alleged that the victim girl and applicant were close relatives and were residing in the same locality. The applicant kidnapped the victim girl from her lawful guardian by giving assurance of marriage. It is further alleged that on that promise, the applicant forcibly raped the victim girl. FIR thus, came to be lodged against the applicant.

2] It is contended that the applicant has been falsely implicated in this case. There is no direct or circumstantial evidence against the applicant. Investigation is practically over. 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 submitted that the victim girl was minor at the time of incident. The applicant forcibly kept sexual relations with the victim girl by giving assurance of marriage. If the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. The offence is serious one. Investigation is yet to complete. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. Perused the FIR, statement of the victim girl and other documents. On perusal of case papers, it seems that the victim girl is aged about 14 years. So, her consent while leaving home and while allowing the applicant to keep sexual relations is completely immaterial. The applicant is aged about 24 years. There is no mention in the entire application for bail that applicant is going to marry the victim girl or married her after taking her to various places. So, the conduct on the part of applicant shows that prima-facie case is made out against the applicant. Offence is very serious and heinous one. The girl is only aged about 14 years. The allegations are supported by medical evidence. There is possibility of tampering with the prosecution witnesses. Considering all the above aspects, I find it fit to reject the application. With this, following order is passed.

ORDER

The application stands rejected.

Pune.

(Mangala J. Dhote)

Dated – 21.09.2016

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 - 21.09.2016

Order signed by P.O. - 21.09.2016

Order uploaded on - 26.09.2016

