

ORDER BELOW EXH.1

1] Perused the application and say. Heard Advocate for applicant and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. no.165/19 registered at Warje Malwadi Police Station for the offence punishable under section 354(A) of the Indian Penal Code and under section 10 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 17 years 9 months lodged report against her father i.e. applicant stating that, in 2009 when she was studying in 2nd standard applicant touched her at chest, but she was not understanding anything. Later on applicant started touching her inappropriately and she did not disclose about the same as nobody would believe her. In 2017 applicant pulled her near him, touched her chest at night when she, applicant and her mother slept on bed. In March 2019 she started working as a receptionist. On 27/03/2019 after duty she was tired and slept. At 12.00 midnight she saw that applicant slept near her and he kept her hand on his private part. Due to act of applicant, she was in depression and she narrated about same to her mother., but nobody believed her words.

3] According to applicant he is falsely implicated in this matter. There is delay in lodging report. He is suffering from HIV and urine disorder. He is falsely implicated as he opposed love affair of victim. Investigation is practically over. He is permanently residing at

Warje Malwadi, Pune. He has no criminal antecedents. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Applicant is father of victim and he will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. So, they prayed to reject the application.

5] Allegations against the applicant are serious. From statement of victim, role attributed to applicant can be gathered. There is allegation of inappropriate touch to victim by applicant since her childhood and recently in March 2019. Victim is 17 years 9 month old, applicant is her father. He is in dominating position over victim. Investigation is going on and there is possibility of giving threat and pressure by applicant to victim and witnesses. Considering above reasons and as investigation is going on, at this initial stage it is not proper to release applicant on bail. Therefore, application deserves to be rejected with following order.

ORDER

The application is rejected.

Pune.
Date -25/04/2019.

Sd/-
(R.V.Adone)
Addl.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.K. Sayyad, Steno Grade I
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 25.04.2019
Order signed by P.O.	- 25.04.2019
Order uploaded on	- 26.04.2019