

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.537/19 registered at Dehu Road Police Station for the offence punishable under section 504 of Indian Penal Code and under section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that grandmother of victim aged about 5 years lodged report stating that, her daughter does job and her son-in-law used to go his work, therefore victim used to remain in her house and he used to leave victim at her parents house at night. On 02/04/2019 while seeing CID serial on television victim became silent. Upon asking she was frightened and told that once her father i.e. applicant took her to sleep with him in hall, removed her entire clothes and threatened to kill her if she shouted, he kissed her at lips, chest and other part of body, apply spit to her body and compelled her to hold his private part. He thereby outraged her modesty.

3- According to applicant, he is falsely implicated in this matter. Applicant is father of victim and such type of incident with his 5 years old daughter is not possible. He belongs to reputed family. Investigation is practically over. He is earning member of family and permanently residing at Adarshnagar, Pune. Due to quarrel between first informant and applicant, he is falsely involved. 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. Considering relationship applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence and witnesses. Statement of victim U/sec.164 of Cr.P.C. is yet not recorded. So, they prayed to reject the application.

5- Allegations against the applicant are serious. From statement of victim, her mother, grandmother role attributed to applicant can be gathered. Victim made allegations of sexual harassment by her father i.e. applicant. Applicant removed her clothes and asked her to touch his private part. He also kissed her at various parts of body, threatened to kill her if she shouted. Considering nature of offence, relationship between applicant and victim, her age there is possibility of giving her threat and pressure. There is possibility of tampering prosecution evidence as applicant is in dominating position over victim. Moreover, investigation is in progress and statement of victim U/sec.164 of Cr.P.C. is yet not recorded. In view of above reasons and as investigation is at initial stage, due to gravity of offence it is not proper to release applicant on bail. Hence, application deserves to be rejected with following order.

ORDER

The application is rejected.

Pune.
Date -04.05.2019

Sd/-x.x.
(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	- 04.05.2019
Order signed by P.O.	- 04.05.2019
Order uploaded on	- 06.05.2019