

ORDER BELOW EXH. 1

1- Perused application and say filed by APP and I.O. Heard Advocate for applicant and APP for 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. 193/19 registered at Wanowri Police Station for the offence punishable under sections 376(2)(n), 323, 506(2) of Indian Penal Code, under section 4, 6, 8 and 10 of Protection of Children from Sexual Offences Act. It is alleged that mother of victim aged about 17 years lodged report against applicant i.e. her brother-in-law stating that, on 21/03/2019 applicant forcibly took victim on his vehicle at Nityanand Lodge Saswad Road and forcibly kept sexual relationship with her. Prior to that, applicant committed similar act with her on 14/01/2019 and 28/01/2019 and at relevant time she was threatened by applicant.

3- According to applicant he is falsely implicated in this matter. There is friendship and love relationship between victim and applicant. They both belongs to same community and they are relatives. First informant opposed their relationship. There is delay in lodging report. Victim did not complain since January 2019. Applicant has no criminal antecedents. He is permanently residing at Haveli, Pune and doing business. He is ready to abide the conditions and prayed to release him on bail.

4- APP and I.O. objected this application on the ground that investigation is in progress. Applicant and victim are residing in same

locality. Applicant will pressurize victim and witnesses. There is possibility of tampering the prosecution evidence and possibility of his absconding, so they prayed to reject the application.

5- Allegations against the applicant are serious. From statement of first informant and victim, role attributed to applicant can be gathered. Victim narrated that, on 21/03/2019 applicant forcibly made her to sit on his vehicle, he beat her and threatened her, took her at Nityanand Lodge Saswad and forcibly kept sexual relationship with her. Prior to that, he committed similar act and threatened to kill her if she disclosed the same to her parents. Medical report of victim shows similar history. There are injuries on her body namely contusion, abrasion and there is evidence of vaginal penetration with multiple old healed hymenal tears with evidence of physical injury.

6- Considering police papers, there is prima facie case against applicant. In view of relationship and place of residence, applicant will pressurize victim and witnesses and there is possibility of tampering prosecution evidence. Victim never stated about love relationship between her and applicant and there is no such evidence at this stage. Investigation is in progress and in view of gravity of offence, at this 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 – 02/05/2019

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	- 02.05.2019
Order signed by P.O.	- 02.05.2019
Order uploaded on	- 03.05.2019