

ORDER BELOW EXH.1

1] Perused 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.931/2019 registered at Chaturshrungi Police Station for the offence punishable under section 354, 354-A of the Indian Penal Code and under section 7,8, 11, 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 15 years lodged report stating that on 12.11.2019 she went to work along with her sister, victim, her son and her mother were in house. When they returned victim was crying at about 10.30 pm. Upon asking victim told that applicant came in the house and told that he saw her maternal aunt while bathing. He then touched her cheek and asked her to sleep with him. He touched her chest, he threatened her not to disclose incident to anyone.

3] According to applicant he is falsely implicated in this matter. He belongs to reputed family. His family members including small child are depending on him. He is only earning member of his family. He is falsely involved due to reason that he should vacate the tenanted premise. Investigation is practically over. He is 26 years old and doing labour work. He is permanently residing at Old Vadarwadi, 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. Statement of victim u/s. 164 of Cr.P.C. is yet not recorded. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is interrogated. From statement of victim and first informant role attributed to applicant can be gathered. There is allegation of touching to chest of victim by applicant and allegation of making sexually coloured remarks. According to applicant, there is dispute due to reason of vacating tenanted premises and due to that reason, he is falsely involved. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. Applicant is resident of Old Vadarwadi, Pune. He is 26 years old. He is doing labour work and his family members are depending on him. Applicant has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons application deserves to be allowed with following order -

ORDER

1] The application is allowed.

2] The applicant Shankar Tamma Orse be released on executing P.R. bond of Rs. 20,000/- with one or two solvent sureties in the like amount.

3] The applicant shall not tamper the prosecution witnesses in any manner.

4] The applicant shall attend Chaturshrungi Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.

5] The applicant shall not meet the victim and threat and pressurize the victim, shall not repeat the offence, shall not enter into vicinity of residence of victim.

6] The applicant shall co-operate investigating machinery as and when required.

7] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Pune.

Date – 22.11.2019.

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	- Arya Nikam (Stenogrpaher G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 22.11.2019.
Order signed by P.O.	- 22.11.2019.
Order uploaded on	- 25.11.2019.