

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 394/2023 registered with Wakad police station for the offences punishable under Sections 354, 354-A, 354-D, 452, 506 of the Indian Penal Code and under Sections 7,8 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and police papers.

4] It is argued by Ld. Advocate for the applicant that the victim and the applicant are the friends and when the mother of the victim came to know about the friendship, she has lodged a false case. The applicant is only 21 years old. Hence, prayed for allowing the application.

5] Ld. Spl.P.P. has submitted that intention of the applicant discloses from his act. The door was bolted from the outside. There is delay in lodging a report. Hence, prayed for rejection of the application.

6] FIR indicates that the mother of the victim has lodged a report against the applicant. The victim disclosed her the incident dated 18.04.2023. The informant is doing the work of housekeeping in the Star Bakery adjacent to her house and even the victim also used to go in the said bakery at intervals along with the mother. The victim is 14 years old. She has disclosed that on 18.04.2023, the applicant who is employee of the Star Bakery, restrained her on the way and told her to come to meet him. The victim refused for the same. Then he caught hold her hand and threatened her that he would viral her photographs if she would not come to meet him. Further she disclosed one more incident dated 12.04.2023. On that day, she went in the bathroom at the back side of the house and the applicant was present in the bathroom. On seeing him, the victim was shouted. The applicant gagged her mouth and gave hug to her and threatened her that he would kill her, if she disclosed the incident.

7] FIR further indicates that then the informant intimated the said incident to her elder sister and they went in the Star Bakery and told about the incident to the maternal uncle of the applicant. On 20.04.2023, the informant gave information of the incident to her younger brother and his friend. Then the informant, her younger brother and his friend went to meet husband of the informant at Kalewadi. The victim had slept in the house. The informant returned at around 10.30 a.m. and she found that the door of her house was bolted from outside. She entered into the house and found that the victim was crying and articles in the house were scattered. The victim disclosed that the applicant entered into the house forcibly, when the

informant left the house. He bolted the door from inside and made questions to the victim that why she disclosed about him to her family members and gave hug to her and torn the clothes on the person of the victim and went outside the house by bolting the door from outside. Thereafter, the informant informed the incident to her husband, her younger brother and elder sister and she lodged a report against the applicant.

8] The statement of the victim recorded on 20.04.2023 discloses the incident dated 12.04.2023, 18.04.2023 and 20.04.2023 and she has reiterated the incident. It appears that almost the investigation has been completed. The mobile phone of the accused has been seized. Considering the nature of the offences and punishment provided for the same and also in view of the age of the applicant, it appears that his further detention behind the bars is not necessary. Therefore, application is to be allowed by imposing stringencies upon the applicant. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant Princekumar Vijay Thakur shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every Monday and Friday between 10.00 am to 11.00 am till filing of the charge-sheet.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses

and shall not indulge in any offence.

- 5] The applicant shall not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing and within the jurisdiction of Wakad Police Station.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 09/05/2023.

(S.P. Ponkshe)
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	- Sau.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 09.05.2023
Order dictated on	- 09.05.2023
Order transcribed on	- 09.05.2023
Order signed by P.O.	- 09.05.2023
Uploaded on	- 10.05.2023