

Order Below Ex.1.

1] Applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail in Crime No. 309/2017 registered at Chaturshingi Police Station under section 354 of IPC and under section 7 and 8 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.3. Heard learned advocate for the applicant and APP for State.

2] In short the contention of the applicant is that he has been involved in false matter. The informant lodged FIR on 07.06.2017 and accordingly this crime is registered against the applicant. The applicant is attached to New Care Hospital, Baner Road, Pune as a ward boy . The informant was admitted in the said hospital. On 07.06.2017 when the informant was admitted in the said hospital, the victim girl who is the daughter of the informant was present in the said hospital. Victim girl is 4 years old. It is alleged that the applicant kissed the cheek and leap of the victim girl and also touched the private part of the victim girl and outraged the modesty of the victim girl. On these allegations the FIR is lodged against the applicant. The leaned Advocate for the applicant submitted that the investigation of this crime is practically completed. The applicant is ready to co-operate the I.O. He will not abscond. Therefore, he submitted to release the applicant on bail.

3] APP for the State is submitted that the victim girl is 4 years old. The offence is of serious nature. The place of residence of the applicant is Khudaipur, Tal-Fulpur, Dist-

Ilhabad, Utter Pradesh. If the applicant is released on bail, he will abscond and he will pressurize the witnesses. Therefore, he submitted to reject this application.

4] The punishment for the offence punishable under section 354 of IPC and the offence punishable under section 7 and 8 of POCSO Act is not death or life imprisonment. The investigation of this crime is practically completed. The prayer of the applicant to release him on bail cannot be rejected only because native village of the applicant is in UP. For all these reasons I am inclined to grant this application. However, in view of the objection raised by APP for the State about the possibility of absconding the applicant, some stringent conditions needs to be imposed while releasing the applicant on bail. With this, I proceed to pass the following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Rakesh Ramsevak Yadav be released on executing P. R. bond of Rs.30,000/-, with one or two solvent sureties in the like amount.
- 3] The applicant is directed to attend Chaturshingi Police Station on each Monday in between 11.00 a.m. to 1.00 p.m. till filing of chargesheet.
- 4] The applicant shall not leave the jurisdiction of Pune District without prior permission of this court.
- 5] The applicant shall not tamper the prosecution witnesses in any manner.
- 6] The applicant shall co-operate the IO during investigation and he shall remain present before the IO as and when required for investigation.

Pune.
Date – 03.07.2017

(R.N.Sardesai)
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.V.Thakar,
Court Name	- R.N.Sardesai, Additional Sessions
Judge,	Pune.
Date of order	- 03.07.2017
Order signed by P.O.	- 03.07.2017
Order uploaded on	- 12.07.2017