

CRI.Bail Appln.no.2019/17**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. 242/2017 registered at Vimantal Police Station under section 323, 354, 504, 506 of IPC and under section 7, 8 of Protection of children from sexual offence Act 2012. The prosecution has resisted the application by filing the written say Exh.4. Heard learned advocate for the applicant and APP for State.

2] Sarika Prashant Bhamare lodged the FIR on 10/06/2017. The victim girl is six years old and she is the daughter of the informant. It is alleged that on 17/03/2017 at about 10.00 a.m. at the staircase of the building of Mr. Giri at Sainik Colony, Pathare vasti, Lohgaon, Pune. The applicant was undertaking the work of painting. It is alleged that the applicant slapped below the ear of the victim girl and the applicant took a bite of lip of the victim girl and outraged her modesty. On these allegations the FIR is lodged. The applicant is arrested on 10/6/2017. Since then he is in jail. The learned advocate for the applicant submitted that entire story of the prosecution is false and the applicant is falsely implicated in this case. He submitted that the investigation of this crime is practically completed and the applicant will not abscond and giving co-operation to the police for investigation. Therefore, he submitted to release the applicant on bail.

3] APP for the State submitted that in present case the victim girl is six years old. There is medical evidence about the injuries sustained by the victim girl. He further submitted that the

native place of the residence of the applicant is in Bihar. If the applicant is released on bail, he will abscond and he will not be available at the time of trial. Therefore, he submitted to reject this application.

4] I have gone through the copies of papers of investigation. The applicant is not having permanent residence of Pune. He is from Bihar. The prosecution has raised the objection on the ground that he is likely to abscond. However, the prayer of the applicant to release him on bail can't be rejected only on the ground that he is resident of Bihar State. However, the punishment for the alleged offence is not death or life imprisonment. The investigation is practically completed. For all these reasons, I am inclined to grant this application. However, in the view of the objection raised by the prosecution, some stringent conditions needs to be imposed for securing the presence of the applicant. With this, I proceed to pass the following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Amit Hasan Mohammad yaseen Khan be released on executing P. R. bond of Rs.40,000/-, with one or two sureties in the like amount.
- 3] The applicant shall not leave the jurisdiction of Pune District without prior permission of this Court.
- 4] The applicant shall attend Vimantal police station on each Monday during 11.00 a.m. to 1.00 p.m. till the charge-sheet is filed.
- 5] The applicant shall not tamper the prosecution witnesses by any mode.

- 6] The applicant shall remain present before IO as and when required for interrogation.

Pune.

Date – 13.07.2017

(R. N. Sardesai)

Additional 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 - Shri. Salim Shaikh,

Court Name - R.N.Sardesai, Additional Sessions
Judge, Pune.

Date of order - 13.07.2017

Order signed by P.O. - 13.07.2017

Order uploaded on - 20.07.2017

