

ORDER BELOW EXH.1 IN CRI.BAIL APPLN.NO.3406/17

1] Perused the application and say. Heard Advocate for applicants and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicants in respect of their arrest in C.R. no. 496/17 registered at Shikrapur Police Station for the offence punishable under section 363,506 read with 34 of the Indian Penal Code and under section 8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that father of the victim lodged report about her missing. It is mentioned in the report that victim aged about 15 years was kidnapped by three unknown persons by giving her threats to kill her family members.

3] According to applicants they are falsely implicated in this matter. There is love affair between victim and another accused Akshay Dherange. Present applicants did not commit any sexual harassment of the victim. Therefore, offences punishable under section 8 and 12 of POCSO Act are not applicable to them. Remaining offences are bailable in nature. Applicants nos.1 and 3 are doing agricultural work and applicant no.2 is working in company. They have no criminal antecedents and they are ready to abide the conditions. Therefore, they prayed to release them on bail.

4] APP and I.O. filed say and resisted the application on the ground that applicants will pressurize and threaten the victim and witnesses. Victim is under mental pressure and she was kidnapped. All accused were in collusion with each other. Therefore, they prayed to reject the application.

5] Allegations against the applicants are serious. Statement of the victim shows that on 29.09.2017 when she was returning from the

school, one white four wheeler stopped near her and she was pulled in the car. There were unknown person in the car and she became unconscious. Prior to 15 days also such type of incident took place. Immediately on 29.09.2017 her father lodged report.

6] From the statement of victim and other police papers, it cannot be said that there are allegations of sexual harassment against these applicants. Applicants filed on record photographs of victim and other accused Akshay and it is their contention that they both were having love affair. Due to this and considering nature of the offences and role attributed to these applicants, it is not proper to keep them behind bar for unknown period. They are resident of Dist-Pune. There is nothing on record to show that they have criminal antecedents. Therefore, it is proper to allow their application by imposing strict conditions. Considering nature of offence, application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicants Prasad Pralhad Dhage, Prashant Raosaheb Walke and Manoj Ramdas Dherange be released on executing P.R. bond of Rs.25,000/- each with one or two solvent sureties in the like amount.
- 3] The applicants shall not tamper the prosecution witnesses in any manner.
- 4] The applicants shall attend Shikrapur Police Station on every Monday between 11.00 a.m. to 1.00 p.m. till the charge-sheet is filed.
- 5] The applicants shall not meet the victim and threat and pressurize the victim.
- 6] The applicants shall co-operate investigating machinery as and when required.

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

Pune.

Date – 10.10.2017.

(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.V.Thakar,
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of order	- 10.10.2017
Order signed by P.O.	- 10.10.2017
Order uploaded on	- 13.10.2017