

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. 828/2020 registered at Hadapsar Police Station for the offence punishable under section 354 of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother victim aged about 15 years lodged report stating that applicant is their neighbourer and since two months they were receiving unknown calls on mobile. Once victim picked the call and opposite person told his name and he was applicant. Family members of victim convinced him, but applicant repeatedly made phone calls and harassed victim. He was stalking victim on his motorcycle when victim was attending her classes. Applicant thereby outraged her modesty.

3] According to applicant he is falsely implicated in this matter. He never made phone calls to victim. Per contra, first informant and her husband beat applicant and his sister in law and, in that regard, offence is registered in Hadapsar police station bearing CR No. 829/2020, to counterblast it, present report is filed. Applicant is 19 years old and doing labour work. He is permanent resident of Hadapsar, 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. 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 sufficiently interrogated. From statement of first informant role attributed to applicant can be gathered. There are allegations of sexual harassment of victim by applicant by following her and by making phone calls repeatedly. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. Applicant is 19 years old and doing labour work. Applicant is resident of Hadapsar, Pune. 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 Rihan Hamid Shaikh be released on executing P.R. bond of Rs.25,000/- 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 Hadapsar 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.
- 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 -12.6.2020.

(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
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 12.6.2020.
Order signed by P.O.	- 12.6.2020.
Order uploaded on	- 17.6.2020.