

ORDER BELOW EXH.1

1] Perused 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.842/2020 registered at Chaturshrungi Police Station for the offence punishable under sections 354, 324, 506 r/w. S. 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 mother of victim aged about 15 years lodged report stating that on 05.5.2020 at 3.30 pm victim went at public toilet and when she returned she was in frightened condition. Upon inquiry, she told that their neighbourer i.e. applicant no.1 hold her hand, asked her to go with him. Applicants then ran away, no report was filed about this incident. On 10.5.2020 at 10.30 pm, applicant no.1 came in front of house of first informant and started abusing loudly. His brother i.e. applicant no.2 also came and started abusing. First informant and her family members asked them the reason of their act, applicant no.1 has thrown iron pipe towards cousin father-in-law of first informant, due to which he sustained bleeding injury at nose. Both applicants then ran away.

3] According to applicants they are falsely implicated in this matter. Investigation is practically over. Applicants belongs to respectable family and are students. They are earning member of their family. They have no criminal antecedents and resident of

Pandavnagar, Pune. They are ready to abide the conditions. Hence, they prayed to release them on bail.

4] APP and I.O. objected this application on the ground that investigation is going on. Statement of victim u/s. 164 of Cr.P.C. is yet not recorded. Victim and applicants are neighbourers. Applicants will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicants are serious. Applicants are interrogated. From statement of first informant, role attributed to applicants can be gathered. There are allegations of sexual harassment of victim by applicant no.1, he also assaulted cousin father in law of first informant by means of iron pipe, applicant no.2 abused first informant and her family members. Considering allegations and nature of offence investigation is practically over. Personal custody of applicants is not required. Applicants are resident of Pandavnagar, Pune. They are students and are earning members. Their family members are depending on them. Applicant No.1 is 24 and No.2 is 20 years old. Applicants have no criminal antecedents. No purpose would serve by keeping the applicants 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 No.1 Akshay Raghunath Malusare and No.2 Abhijit Raghunath Malusare be released on executing P.R. bond of Rs.20,000/-

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 Chaturshrungi Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.

5] The applicants shall not meet the victim and threat and pressurize the victim, shall not repeat the offence.

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 – 27.5.2020.

Sd/-

(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	- 27.5.2020.
Order signed by P.O.	- 27.5.2020.
Order uploaded on	- 28.5.2020.