

BAIL APPLICATION NO.1733/2020**State Vs. Shivaji Tukaram Navale****CNR-MHPU01-005700-2020**

By this application, the accused has prayed for regular bail u/s 439 of Cr. P. C. in C.R. No.296/2020 registered with Shikrapur Police Station for the offences P/U/SECs.376, 468, 471, 363, 366, 354, 506 r/w 34 of I.P.C., Secs.3, 4, 8 & 12 of The Protection of Children From Sexual Offences Act, 2012 Act and Secs.9, 10, 11 of Prohibition of Child Marriage Act, 2006.

2] As per prosecution story, on 24/12/2019 the accused and others kidnapped minor girl child, prepared forged documents, accused Samadhan married to the victim and did sexual intercourse with her.

3] Accused claims innocence and false implication in the case. He He contends that his further detention in the custody is not necessary. Ultimately, he prayed for bail.

4] I.O. has opposed the application contending that motorcycle and car is to be seized. Investigation is in progress. If the accused is released on bail, he will pressurize the prosecution witnesses.

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5] Advocate Shah for the accused submitted that FIR is lodged six months after the incident. The role alleged to the accused is mere accompanying with the main accused. He submitted that in fact the accused was not present in the Pune District but he was taking training at Sangam, Tal. Dharur, District : Beed. Ultimately, he prayed for releasing the accused on bail.

6] APP Gehelot submitted that accused No.2 is absconding. Investigation is in progress. Accused are giving threats to the victim and her relatives. If the accused is released on bail, he will tamper the prosecution evidence. Ultimately, he prayed for rejection of the application.

7] The alleged incident of kidnapping and performing marriage is dtd.24/12/2019. FIR is lodged on 07/05/2020 i.e. after lapse of near about four months from the incident. In the FIR role alleged to the present accused is that he was accompanied in the car by which victim was taken to Ranjangaon. In the FIR and even in the statement of the victim there are no allegations of sexual intercourse with the victim by accused Samadhan. Supplementary statement of the victim is recorded on 16/05/2020. In the supplementary statement of the victim, name of the present accused is missing. So, considering inconsistent statements of the victim, there appears doubt about

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the involvement of the present accused in the alleged commission of offence. Even if his involvement is assumed, it will be for kidnapping only. Considering all these aspects, I think that no purpose will be served by keeping the accused in jail. So far as apprehension raised by the prosecution is concerned, it can be met out by imposing suitable conditions on the accused.

In the result, I pass the following order.

ORDER

1]	Application is allowed.
2]	Accused Shivaji Tukaram Navale , in C. R. No.296/2020 registered with Shikrapur Police Station for the offences P/U/SECs.376, 468, 471, 363, 366, 354, 506 r/w 34 of I.P.C., Secs.3, 4, 8 & 12 of The Protection of Children From Sexual Offences Act, 2012 Act and Secs.9, 10, 11 of Prohibition of Child Marriage Act, 2006, be released on bail on executing his P.R. of Rs.25,000/- (Rs. Twenty five thousands only) with one or two sureties of the like amount.
3]	Considering the present pandemic situation, accused is at liberty to furnish cash security of Rs.25,000/- instead of surety till further order.
4]	Accused should not contact or pressurize the

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	prosecution witnesses in any manner nor he should tamper the prosecution evidence.
5]	Accused should follow and abide the directions given by the Competent Authority from time to time regarding Covid-19.

Date : 08/06/2020.

Place : Pune.

(Haribhau R. Waghmare)
Additional Sessions Judge.

रुपये 25,000/-
सी. नं. 93 तारीख 9.6.2020
ज्यावे आहेंत. ये. जा. जावे.
नियम
जिल्हा न्यायालय, पुणे