

ORDER BELOW Exh. 1 IN SPL.(CHILD) CRI. M. A. No.182/2013.

Read application and the report. Heard counsel for the accused and the Special Public Prosecutor for the State.

2] It is submitted that the applicant/accused is arrested in CR No. 309/2013 for the offence punishable under S. 354, 506 of the IPC and under S. 12 of The Protection of Children from Sexual Offences Act, 2012. He claims to be innocent and he has lost sight of his right eye in the accident and he is permanent resident of Kothrud, Pune, running business of milk shop in Gokhalenagar area. Further he is of the age of 49 years having major children and there is no possibility that he would abscond. Hence when he is in custody since 27-11-2013, he be released on bail on any conditions.

3] Special Public Prosecutor for the State opposed the application saying that the accused used to harass school going girls and because of that there is fear in the mind of those girls. Hence if he is released on bail, he would pressurize the witnesses.

4] I have perused the papers produced on record keeping in mind the contentions raised during hearing by both sides. Investigation is in progress and at this stage it cannot be said that accused is really innocent as contended. Further age of the person is not relevant to draw inference that he is innocent or only because he has major children or family, he would not commit such act as complained of. It is not the case wherein the applicant be kept all the while behind bars. By now investigation must have been completed or about to complete. Hence on some conditions applicant/accused can be released on bail. Hence the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Girish Kantilal Shah, shall be released on bail, on furnishing solvent surety of Rs. 50,000/- and his own bond in the like amount.
- 3] He shall not try to contact or pressurize the victim or any other witnesses in any manner.
- 4] Applicant shall not enter Gokhalenagar area or follow the bus route from Gokhalenagar to Shanipar, till further orders.
- 5] Applicant shall attend Vishrambag police station twice in a week, i.e. on every Monday and Thursday during the period 3 p.m. to 6 p.m. till charge sheet is filed.

Pune,

Dated/- 05-12-2013.

(S. D. Darne)
Special Judge, Pune (Under Protection of
Children from Sexual Offences Act, 2012)

"I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur, PA. Court Name : Shri. S. D. Darne, District Judge, 01, Pune. Judgment Signed by P.O. on :5-12-2013 Judgment uploaded on :-30-12-13 Date of PDF file : 30-12-13