

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. 116/2020 registered at Bibvewadi Police Station for the offence punishable under sections 376(3), 323, 506 of the Indian Penal Code and under sections 4,6,8,12,21 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged 18 years lodged report stating that applicant is her stepfather. In 2014, victim was 12 years old and at relevant period, applicant committed forcible sexual intercourse with her repeatedly. He used to touch her private part and he used to threat to commit murder of her mother. Therefore, she could not disclose incident to anyone. When she disclosed incident to her mother applicant threatened to kill her mother. When victim was studying in 9th standard she missed her menstrual cycle, at that time, her mother gave her tablets brought by applicant. On 18.3.2020 applicant tried to create intimacy with victim and when she opposed he assaulted her. On 19.3.2020 victim went away with her assumed brother at Karnataka and disclosed incident to him and thereafter report is filed.

3] According to applicant he is falsely implicated in this matter. There is inordinate delay in lodging report. His wife i.e. another accused is released on bail. Investigation is practically over. His personal custody is not required. He is resident of Bibvewadi, Pune and running grocery shop. 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. Considering relationship, 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. From statement of victim role attributed to applicant can be gathered. There are allegations of forcible sexual intercourse by applicant i.e. stepfather with victim since she was 12 years old, act was repeated by giving threats, and when in 9th standard she missed her menstrual cycle, applicant forcibly gave her tablets. In March-2020, applicant tried to create intimacy with her and then previous incidents were disclosed. Advocate of applicant submitted that there is inordinate delay in lodging report. Victim went to State of Karnataka in March 2020 and disclosed incident to her assumed brother, which is not acceptable and probable. However, in Medical Reports, victim gave similar history against present applicant and Doctor opined that history and clinical examinations are consistent with recent and old vaginal penetration.

6] Moreover, investigation is still in progress. Considering relationship, applicant is in influential and dominating position. There is possibility of giving threat and pressure to victim by applicant. So, at this initial stage and due to gravity of offence, it is not proper to release the applicant on bail. There is no change in circumstances though recently charge-sheet is filed. In view of all above reasons, application deserves to be rejected with following order.

ORDER

Application is rejected.

Pune.
Date – 09.6.2020.

(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	- Sau. Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 09.6.2020.
Order signed by P.O.	- 09.6.2020.
Order uploaded on	- 12.6.2020.