

COMMON ORDER BELOW EXH.1 AND 6

1] Perused applications 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. 468/2020 registered at Saswad Police Station for the offence punishable under section 354-A of the Indian Penal Code and under section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim aged about 14 years lodged report stating that on 17.5.2020 at about 9.00 pm after dinner she along with her family members slept on Ota in front of their house. On 18.5.2020 at 3.00 am, applicant i.e. applicant Prashant Vachakal came near her and slept near her by putting his hand on her chest by removing quilt. So, she woke up. Due to act of applicant she was ashamed and frightened, she called her parents. At relevant time, applicant has consumed liquor and was speaking irrelevantly.

3] According to applicant he is falsely implicated in this matter. Alleged offences are not attracted against him. Moreover, investigation is practically over. Personal custody of applicant is not required. He is 28 years old and doing agricultural work. His family members are depending on him including old aged parents. He has no criminal antecedents. He is ready to abide the conditions. Due to above reasons and spread of COVID-19, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Applicant and first informant are residing at adjacent villages. 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 victim i.e. first informant role attributed to applicant can be gathered. There are allegations of touching to the chest of victim by applicant by removing her quilt and by consuming liquor. Considering allegations and nature of offence investigation is practically over. Personal custody of applicant is not required. He is 28 years old. He is doing agricultural work as well as he is driver and his family members are depending on him. Applicant is resident of Purandar, Dist-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 Prashant Uttam Vachakal 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 Saswad 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, shall not repeat the offence.

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 – 09.6.2020.

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	- Sau. Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 9.6.2020.
Order signed by P.O.	- 9.6.2020.
Order uploaded on	- 12.6.2020.