

IN THE COURT OF SESSIONS JUDGE, BARAMATI.

(Presided over by J. L. Gandhi, Addl. Sessions Judge)

Cri. Bail Application No. 1208 of 2022

(CNR NO. : MHPU14003523-2022)



Applicant:

Sonya @ Aditya Dhananjay Atole,
Age: 18 years
R/at : Atolewasti Katphal,
Tal. Baramati, Dist. Pune.

Vs.

Prosecution:

State of Maharashtra,
Through the Police Station Officer,
Baramati Taluka Police Station.

ORDER BELOW EXHIBIT 1

(Passed on this 21.10.2022)

This is the regular bail application in Crime No. 483 of 2022 for the offence punishable under Sections 376(2)(F)(I), 506 of the Indian Penal Code, and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Baramati Taluka Police Station, District Pune, filed under Section 439 of the Code of Criminal Procedure, 1973.

2) It is contended that the applicant has falsely been implicated in the crime and he has not committed the offence. He is a student. If he is kept behind the bars, it will cause irreparable loss. There is no evidence against the applicant. The applicant undertakes to make himself available before police as and when required. The applicant has been residing on the above mentioned address. He is

ready to abide by all the conditions and to co-operate the investigating agency. It is prayed to allow the application.

3) The Investigating Officer opposed the application by filing say Exh.5. It is contended that the offence is serious. It is further submitted that material investigation is yet to completed and for collecting blood and DNA sample as well as recovery of clothes, physical custody of accused is necessary. On allowing the application, the applicant is likely to flee from the course of justice.

4) The informant has filed application prove her counsel and submitted on affidavit that she had filed the complaint because of some dispute and misunderstanding. She has no grievance against the accused and no objection if his bail application is allowed.

5) Heard both the sides and perused the case diary. The learned counsel for accused submitted that he is below the age of 19 years not a harden criminal. Hence, in view of affidavit filed by informant application be allowed. He also pointed out that father of accused has filed the compliant against parents of victim and case is registered. As such false implication can not be ruled out.

6) Offence is serious. There is *prima facie* material against the applicant. It is pertinent to note that informant has lodged the report as soon as she gained the knowledge about the incident which minimized the false implication of applicant as alleged. The victim is aging around 6 year and there is her statement showing complicity of applicant. The medical evidence also support the prosecution case.

7) The Ld. Counsel for applicant submitted that there is affidavit of complainant showing that she has no grievance against the accused and only out of misunderstanding complaint was filed. He relied on the judgment in the case of Diwakar Yadave Vs. State of Chhattisgarh MCRC NO. 5986/2022. No doubt the informant has filed the affidavit stating that complaint is came to be lodged out of misunderstanding and dispute but it further appeared that both complainant and accused are residing adjacent to each other. The father of accused has lodged the complaint against father of victim. And while going through the recital of the complaint it transpired that parents of victim has rushed to house of accused asking name as to why accused had done such bad act and requested to give understanding to the accused. The natural conduct of complainant and her relatives shows prima facie case against the accused and it gives rise to suspicion that complainant might have filed the affidavit under pressure because of cross complaint and the residence of accused adjacent to her house. In a case before Hon'ble Chhattisgarh High Court victim was more than 16 years and there was love affair hence bail was granted which is not the case before me. Hence, the ratio is not applicable. The accused is of tender age but the act committed by him is heinous. The investigation is in progress and there is every possibility that accused and his relative may temper the evidence and pressurize the witnesses. Considering the circumstances and the prima facie material, the applicant is not entitled to regular bail at this juncture. Hence, the following order.

ORDER

The application is rejected.

Baramati.
Date: 21.10.2022

(J. L. Gandhi)
District Judge -2 and
Addl. Sessions Judge ,
Baramati, Dist. Pune.
Court Hall No.85.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : M.D. Renuse (Grade III)

Court Name : Mr. J. L. Gandhi, District Judge 2
and Addl. Sessions Judge, Baramati,
District : Pune.

Order Date : 21.10.2022

Order signed by P.O.on: 21.10.2022

Order uploaded on : 01.11.2022