

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicants and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicants in respect of their arrest in C.R. no. 293/17 registered at Saswad Police Station for the offence punishable under section 363,366,376(2)(n),354(B) of the Indian Penal Code and under section 4,6,8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that first informant lodged report about the missing of victim. During investigation and in the statement of victim, it revealed that prior to one year main accused Ankush came to her house and told her that he loves her and ready to marry with her. He then committed forcible sexual intercourse with her. Accused threatened her not to disclose the incident. Thereafter, also for three times he committed forcible sexual intercourse with her.

3] Main accused told this act to present applicants i.e. his friends. Applicants used to tease her. Once in the month of August she slept in her house. At 12.00 a.m. somebody lifted her. She woke up and saw that applicant no.1 lifted her, applicant no.2 gagged her mouth, they took her near canal and forcibly torned clothes from her person. Her father came with torch and made noise, applicants ran away. Applicants are harassing her as her parents are old and blind. On 03.10.2017 main accused took victim at Nishnai Devi Temple at hill and forcibly committed sexual intercourse with her.

4] According to applicants they are falsely implicated in this matter. Applicants never assaulted victim and used criminal force against her. Applicant no.1 is married having small child. He is earning

member of the family. Applicant no.2 is 20 years old and student. Applicants are resident of Purandar, Pune and ready to abide the conditions. So, they prayed to release them on bail.

5] APP and I.O. objected this application on the ground that applicants and victim are residing in same locality. Therefore, applicants will pressurize and threat victim and witnesses. They prayed to reject the application.

6] Allegations against the applicants are serious. From the statement of victim role of the applicants is revealed. It appears that in August-2017 the applicants forcibly tried to disrobe the victim. Allegations in respect of offence punishable under section 376 of Indian Penal Code are made against main accused Ankush Badal. Considering role attributed to these accused investigation is practically over. Applicants were sufficiently interrogated. Therefore, their personal custody is not required. Applicants are resident of Purandar, Pune and have no criminal antecedents. In respect of allegations against the main accused in statement victim stated against these applicants and their act. Her statement was recorded on 06.10.2017. Considering all above reasons, application deserves to be allowed with strict conditions and following order is passed -

ORDER

- 1] The application is allowed.
- 2] The applicants Swapnil balasaheb Mhetre and Kapil Bhau Mhetre be released on executing P.R. bond of Rs.30,000/- each with one or two solvent sureties in the like amount.
- 3] The applicants shall not tamper the prosecution witnesses in any manner.

4] The applicants 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 applicants shall not meet the victim and threat and pressurize the victim.

6] The applicants shall co-operate investigating machinery as and when required.

7] Prior to furnishing surety, the applicants shall submit their address proof, mobile number and inform about the change in address and mobile number.

Pune.

Date – 07.11.2017.

(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 - S.V.Thakar,

Court Name - Smt. R.V.Adone, Addl.Sessions Judge,Pune.

Date of Judgment - 07.11.2017

Judgment signed by P.O. - 07.11.2017

Judgment uploaded on - 08.11.2017

