

ANTICIPATORY BAIL APPLICATION NO. 2633 OF 2018

Vs.

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CORAM : A.S.GADKARI, J.
DATE 20th December, 2018

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.43/2018 registered with Baramati Taluka Police Station District Pune under Section 363, 366, 323, 504, 506 read with 34 of the Indian Penal Code and under Section 8 and 12 of the Protection of Children from Sexual Offences Act.

Page-1/4

years. With a view to protect the identity of the prosecutrix and in consonance with the provisions of Section 228(A) of the Indian Penal Code and 33(7) of the POCSO Act the name of the victim girl and the detailed narration of facts mentioned in the first information report and other statements is hereby avoided.

3. It is the prosecution case that, the applicant was constantly following and pursuing the prosecutrix to perform marriage with him. On an earlier occasion when the applicant indulged into an act contemplated under Section 354 of the Indian Penal Code, C.R.No. 531/2017 dated 15.9.2017 was lodged against the applicant and in the said crime the applicant was granted pre-arrest bail by the Sessions Court at Pune. It is alleged that, on 25.1.2018 at about 5.30p.m. when the prosecutrix was proceeding to her house the applicant along with other accused persons came there and abducted the prosecutrix from a pickup van and took her at Rawangaon. The mother of the prosecutrix saw the applicant forcibly dragging the prosecutrix in the vehicle and therefore, she immediately informed the said fact to the police. The mother of the prosecutrix went to the house of the applicant at Rawangaon and the prosecutrix was rescued from the custody

of the applicant and other accused persons.

4. The first information report is lodged by the prosecutrix is self eloquent. It is to be noted here that, in an earlier crime bearing CR No.531/2017 the applicant was granted pre-arrest bail by the Sessions Court at Baramati and when on bail, the applicant has committed the present crime. The earlier crime was also as committed against the present prosecutrix for an offence punishable under Section 354 of the I.P.C. As noted above, the present offence is committed in connivance with other accused persons. It appears from the record that, the other accused persons are yet to be arrested by the police.

5. The learned APP submitted that, if the applicant is released on pre-arrest bail, there is possibility that he may cause bodily harm to the prosecutrix. He further submitted that, the 'pick up van' used by the applicant for abduction of the prosecutrix is yet to be seized and the same is not possible without there being custodial interrogation of the applicant. I find substance in the said contention of the learned APP. As noted earlier when the applicant was on bail in earlier crime, he has committed the present crime. It appears that the applicant has no fear of law in his mind.

6. After taking into consideration the gravity of the offence and the serious allegations against the applicant, this Court is of the view that, applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)