

Order Below Ex.1.

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Sections 376 of the Indian Penal Code and under sections 3,4 and 5 of the Protection of Children from Sexual Offences Act. It is alleged that the victim girl 17 years 5 months. She started knowing the applicant accused. The intimacy was developed. They used to wander here and there. It is also alleged that in June 2016 when she was going to the college accused took her to Kanchan lodge four times at Wagholi. Accused by giving assurance of marriage kept sexual relations with her. Thereafter, she became pregnant. She was admitted in Sassoon Hospital. The FIR is lodged against the applicant.

2] It is contended that applicant is falsely implicated in this case. He has not committed any offence. The applicant will not tamper the evidence of the prosecution. There is no possibility of fleeing from justice. The applicant in support of his application has filed an affidavit stating about his love affection and physical relation with victim girl. He has accepted the paternity of child and he is ready to marry with her on attaining majority. Hence, according to him, no offence is made out under section 376 of IPC or under section 4 of POSCO Act. Hence, this is the application.

3] The application is opposed by the State by filing say. It is submitted that the offence is serious. There is possibility of tampering with the prosecution witnesses. The rejection is thus prayed for.

4] Heard the learned counsel for both the sides. Perused the statement of victim girl whose age is 17 years. She is having love affair with the applicant. Her entire statement is silent about sexual assault committed by applicant on her or applicant kept sexual relation with her against her wish. The applicant has not disputed the relationship. He has filed an affidavit mentioning that, it is the applicant and victim girl who kept physical relation with their own wish. By way of affidavit the applicant has accepted the said relationship and the paternity of a child. He is also ready to marry the complainant on attaining her majority. So considering the conduct of the victim girl, it seems that, she has attained the age of maturity who knows the consequences of the act committed by the accused. Moreover, the applicant is permanent resident of place mentioned. As such, having considered the above aspects, I am satisfied to enlarge the applicant on bail. With this, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Sachin S/o. Suresh Ratnaparkhe be released on executing her P. R. bond of Rs. 20,000/-, with one solvent surety in the like amount.

- 3] The applicant shall supply documentary evidence of his permanent address and shall file affidavit in support thereof.
- 4] The applicant shall not tamper with the prosecution witnesses in any manner.
- 5] The applicant shall report to the concerned police on every Monday between 4.00 p.m. to 5.00 p.m. till filing of the charge-sheet.

Pune.

Date – 08.03.2017

(Mangala J. Dhote)

Additional 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.N. Patil,

Court Name - Smt.Mangala J Dhote, Additional
Sessions Judge, Pune.

Date of Judgment - 08.03.2017

Judgment signed by P.O. - 08.03.2017

Judgment uploaded on - 20.03.2017

