

ORDER PASSED BELOW EXH.1 IN CRIMINAL BAIL APPLICATION
No.597/2018
[CNR-No.MHPU01-001908-2018]

1] Perused application 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.10/18 registered at MIDC Bhosari Police Station for the offence punishable under Section 363, 376 of the Indian Penal Code and under section 3, 4, 5 & 6 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim lodged report of her missing. During investigation and after recording of statement of victim, it revealed that the victim and applicant were acquainted with each other since one year. There was a love affair between them. They used to meet each other. Applicant used to come to the house of victim when nobody was in the house, at that time applicant committed sexual intercourse with victim repeatedly. Later on in November, 2017 they decided to run away. Accordingly, on 11th of January 2017 they both went to Rahuri, Kambalgaon, Tal. Shirur in the house of aunt of applicant. Applicant pretended victim as his wife. Said person has no occasion to see wife of applicant. Therefore, they trusted applicant. In the house of aunt of the applicant, applicant committed sexual intercourse with victim.

3] According to applicant, he is falsely implicated in this matter. He is doing job and resident of Balaji Nagar, Bhosari, Pune. His parents and other family members are dependent on

him. He has no criminal antecedent. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that applicant will pressurize the victim and witnesses. Investigation is in progress. Applicant is originally resident of Karnataka State. Therefore, there is possibility of his absconding. Hence, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. Victim is 15 years 10 months' old. Her statement shows that she is acquainted with the applicant since one year, they were meeting each other, there was love affair between them, they had multiple time sexual intercourse. As per agreed between them, victim left the house on 11.1.2018 and went with the applicant firstly to Rahuri and then to Kambalgaon. She resided with applicant in the house of his aunt.

6] Medical papers of the victim shows that she was knowing applicant since one and half year and fact that applicant was married. In spite of it, there is history sexual intercourse between them. Applicant took her at the house of his aunt and said that she was his wife. Victim is more than 15 years' old and has attained age of sufficient maturity. She knows the consequences of act. After first incident she never complained. Even if she was knowing that applicant was married, her statement shows that in her house and in the house of aunt of applicant they had sexual intercourse repeatedly. These are mitigating circumstances.

7] Moreover investigation is practically over. Applicant has no criminal antecedent. His family members are depending on him and he is pursuing his career. He is resident of Balaji Nagar, Bhosari Pune. So no purpose would serve by keeping him behind bars for unknown period. If strict conditions are imposed, it will suffice purpose. Hence, following order is passed -

ORDER

- 1] The application is allowed.
- 2] The applicant Shivprasad Suryakant Jagdale be released on executing P.R. bond of Rs.30,000/- with one or two solvent sureties in the like amount, out of which one local surety be furnished.
- 3] The applicant shall not tamper the prosecution witnesses in any manner.
- 4] The applicant shall attend MIDC Bhosari Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.
- 5] The accused shall not meet the victim and threat and pressurize the victim.
- 6] The accused 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.

Date – 21.03.2018.

(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	- Shri. Hussain
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 21.03.2018
Order signed by P.O.	- 21.03.2018
Order uploaded on	- 29.03.2018