

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 565/2023 registered with Jejuri police station for the offences punishable under Sections 363, 376, 376(2)(n) of the Indian Penal Code and under Sections 4,6,8,10,12 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application. The informant has filed say and resisted this application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and police papers.

4] The mother of the victim has lodged a report against the applicant by making allegations against him that on 16.09.2023, the applicant had taken the victim forcibly on his motorcycle from Arch of Mahatma Jyotiba Phule Chowk, at Shiwari, Tal. Purandar, Dist. Pune and he had taken her in the lodge against her wish and established physical relations forcibly without her consent. The victim is 12 years and one month old. The victim is in 7th standard.

5] The victim was examined by the doctor on 17.09.2023. she disclosed the date of birth 07.08.2011. Thus, prima facie the victim is

12 years and one month old. The victim disclosed the applicant as her boyfriend. She narrated the history of love relationship and they had multiple times consensual vaginal intercourse.

6] Considering the age of the victim 12 years and one month and nature of the act committed by the applicant, consent of the victim is immaterial. The investigation is in progress. The informant has resisted this application. In the facts and circumstances, considering the age gap of the victim and the applicant and considering the age of the victim, at this stage, it is not just and proper to grant bail to the applicant. Therefore, application is to be rejected. With this, I proceed to pass the following order:

ORDER

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.
Date – 24.01.2024.

(S.P. Ponkshe)
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	- Sau.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 24.01.2024
Order dictated on	- 24.01.2024
Order transcribed on	- 24.01.2024
Order signed by P.O.	- 24.01.2024
Uploaded on	- 25.01.2024