

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. 266/2023 registered with Vishrantwadi police station for the offences punishable under Sections 376, 376(2)(n) of the Indian Penal Code and under Sections 4,5(l), 5(j)(ii), 6 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 she has given no objection for releasing the applicant on bail.

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

4] The mother of the victim has lodged a report against the applicant on 19.09.2023. The victim is 16 years old. The FIR indicates that father of the victim expired and the mother of the victim is carrying the responsibility of her son and the victim and therefore, she was going for the job for entire day. One year before, she heard about love affair of the victim with the applicant but the victim denied and told her that the applicant is her friend only. Some months before the victim told her that she was not getting menstrual cycle but the mother not paid attention. On 18.09.2023 at 10.30 p.m.

the victim started abdominal pains and therefore, the informant took her to the hospital and doctor informed that the victim was pregnant. Thereafter, the informant had taken the victim to the Sassoon hospital, where the victim delivered boy child. Thereafter, the victim disclosed that in August-2022, the applicant called her in his house and under the pretext of marriage, he established physical relations with her and after March-2023, they have not entered into physical relations.

5] The victim has stated that the applicant proposed her for marriage and in August-2022, in his house, he forcibly established physical relations with her under the pretext of marriage. After March-2023, they have not entered into physical relations. The victim was examined by the doctor and she disclosed her relationship with the applicant and stated regarding multiple sexual contacts which were non consensual. It seems prima facie that the victim became pregnant and delivered child. After perusal of the photographs tendered on record and the case of the prosecution, it seems that it is the case of love affair of a boy and a girl. The victim was 15 years old at the time of first alleged incident.

6] It is case of love affair of a boy and a girl. The victim has attained age of understanding and she has surrendered to the physical desires of the applicant out of her love and affection towards him. It is mitigating circumstance considering age group of the applicant and the victim. The victim is of understanding age and having knowledge of consequences of her act. The applicant is only 22 years old. The applicant is in his early 20's deserves to get

employment, to plan and stabilize and secure his future. The investigation has been completed and the Charge-sheet is filed. Certainly trial will take its own time for disposal in accordance with law.

7] Thus, in the facts and circumstances, considering love relationship of the applicant and the victim and as there are no criminal antecedents against the applicant and no allegations of any violent act against the applicant, it is just and proper to release the applicant on bail. Therefore, application is to be allowed by imposing stringent conditions upon the applicant. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Aditya Sudhir Bhosale** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every 1st Monday of the month between 10.00 am to 11.00 am till conclusion of the trial.
- 4] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 5] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 6] The applicant shall not leave India without prior permission of the Investigating Officer.
- 7] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.

8] Bail application stands disposed of accordingly.

Pune.

Date – 15.12.2023.

(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	- 15.12.2023
Order dictated on	- 15.12.2023
Order transcribed on	- 15.12.2023
Order signed by P.O.	- 15.12.2023
Uploaded on	- 16.12.2023