

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. 548/2023 registered with Sangavi police station for the offences punishable under Sections 376(2)(n) of the Indian Penal Code and under Sections 4 and 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 been served with the notice for filing say to the bail application of the applicant. The informant and her mother have told to the police that they did not want to say anything and not want to file say and they left without giving say to this bail 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. Perused the conversation of the victim with the friend of the applicant tendered by the applicant and perused photographs of the applicant and the victim tendered by the applicant.

4] The victim aged 16 years has lodged a report on 18.10.2023. The applicant is cousin of friend of the victim. They got acquainted and became friends. Their friendship converted into love relationship. They used to meet in Round the Clock Cafe. On 18.10.2023, the

victim and her friends after college were going to home and they were near PWD garden and at that time, the applicant came there. The victim was talking to the applicant and her friends went ahead. The applicant told the victim that his mother called her and accordingly, on Activa vehicle of the applicant, the victim went to his house at Pimple Gurav, Pune. In his house, no one was present and under the pretext of marriage, the applicant has forcibly established sexual intercourse with the victim two times. The victim got scared and she told the applicant to drop her in her house. Accordingly, at 4.30 p.m. the applicant dropped the victim in the parking area of their building and she fainted there. Thereafter, she got consciousness when she was in Ward no.40, Zilha Hospital, Aundh and as she was scared, she told false incident to the doctor in the presence of her parents and brother.

5] The statement of the victim was recorded under Section 164 of Cr.P.C. and she has reiterated the incident on 02.11.2023. The Medico Legal Examination report of the victim discloses that she disclosed some different story to the doctor and made allegations against three unknown persons.

6] It appears that the date of birth of the victim is 01.10.2007. Thus, the victim was 16 years old on the day of incident. Further, it seems that the victim has admitted the fact that she was having love affair with the applicant. The applicant is 19 years old. The photographs and the messages tendered on record discloses that the applicant and the victim are in love relationship and prima facie it

appears that her parents told the victim to tell lie and even her parents beat the victim. Thus, prima facie it seems that the parents of the victim opposed love relationship of the victim and the applicant. Further, conduct discloses the informant who is the victim has not filed say to the bail application.

7] Thus, 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. 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 19 years old. The applicant is in his teen age deserves to get employment, to plan and stabilize and secure his future.

8] 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 **Yash Sandip Satpute** 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 Monday and Friday between 10.00 am to 11.00 am till filing of the charge-sheet.
- 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 not contact with the victim and family members, in any manner.
- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.

Date – 24/11/2023.

(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	- S.V. Thakar (Grade-1)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 24.11.2023
Order dictated on	- 24.11.2023
Order transcribed on	- 24.11.2023
Order signed by P.O.	- 27.11.2023
Uploaded on	- 27.11.2023