

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. 42/2024 registered with Paud police station for the offences punishable under Sections 376(2)(n), 366-A, 120B, 363, 354, 354-A, 354-D, 506, 504 r/w 34 of the Indian Penal Code and under Sections 4,8,12 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 original informant has filed say and strongly opposed 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.

4] The aunt of the victim has lodged a report against the present applicant and co-accused Vikas @ Deva Bodake, Dhananjay Jori, Ganesh Jori and Dipak Jori on 21.01.2024. The victim is daughter of elder brother-in-law of the informant and she is 16 years old and she is staying along with her paternal aunt at Hadshi, Tal. Mulshi, Dist. Pune and sometimes, the victim used to come to the house of the informant at interval at Nanded Phata, Jadhav Vasti, Tal. Haveli, Dist. Pune. On 19.01.2024, mother-in-law of the informant

brought the victim to the house of the informant and she told that when she was staying at her paternal aunt, she was doing job along with her paternal aunt in Swaroop Hotel, near Sairam Mandir and she got acquainted with neighbour Vikas Bodake and his friend Satish Akhade, Dhananjay Jori and they used to talk.

5] On 09.01.2024 at around 8.30 p.m. the victim was alone outside the house of her paternal aunt and at that time, Vikas @ Deva Bodake came near to her and told her to close the eyes and he would show her something and therefore, she closed the eyes. At that time, he gagged her mouth and lifted her and put her inside four wheeler white colour Swift Car and at that time, the victim started shoutings. Vikas @ Deva beat her on her mouth and threatened her to kill. In the Car her known present applicant, Dhananjay Jori, Ganesh Jori and Dipak Jori were present. After passing some distance, Vikas @ Deva removed his hand from the mouth. Upon asking by her, Dhananjay Jori told her that he loves her and wanted to marry to her. She told them that they would go to her paternal aunt's house and that time, she was not ready for the marriage. They took the victim forcibly at Kubheri, Tal. Mulshi, Dist. Pune and they gave her threat to kill, if she would make hue and cry. Thereafter, on 10.01.2024 at around 3.00 a.m. they had taken the victim to Dongargaon, Tal. Mulshi, Dist. Pune at the house of Dhananjay Jori. Thereafter, they dropped the victim and Dhananjay Jori there and Deva Dabhade, present applicant, Ganesh Jori and Dipal Jori went along with the car. At around 4.00 a.m. Dhananjay Jori under the pretext of marriage, forcibly established physical relations with her and gave her threat to kill, if she disclose the incident to anyone.

6] The FIR further indicates that on 11.01.2024, Dhananjay Jori again had taken the victim from Dongargaon to Lavale phata at the house of his real brother Kisan Jori and at that place, there was arrangement of their marriage. On 13.01.2024, Dhananjay Jori married to the victim at Bhawani Mandir, Pirangut. Thereafter, on 14.01.2024 at Dongargaon, at the house of Dhananjay Jori, there was programme of Devache Jagran and Gondhal. Thereafter, they stayed there till 17.01.2024 and in that period, two times, Dhananjay Jori established forcibly physical relations with her. Thereafter, on 17.01.2024 at around 11.30 a.m., she left from the house and went at the house of her grandmother at Tekawale, Tal. Velha, Dist. Pune. Thus, the report.

7] The victim has reiterated in her statement all the incidents as stated in the report. The statement of paternal aunt of the victim discloses that co-workers of the Hotel Swaroop gave understanding to the victim and as well as Dhananjay. According to her, Dhananjay was harassing the victim. Further, her statement discloses that on 14.01.2024, from the mobile phone of the victim, she received message that, “आज डोंगरगाव येथे जागरण गोंघळाचा कार्यक्रम आहे तु कार्यक्रमाला ये”. Accordingly, she along with her husband went for the said programme and found that the victim married to Dhananjay Jori and she informed about the same to her brother by giving phone call. On 17.01.2024, her mother gave her phone call that the victim had come to the house. On 18.01.2024, her brother gave her phone call that the victim and his mother would come to home and called her. The victim told them that Dhananjay Jori harassed her and she

further stated how she was taken from the Swift and stated regarding her marriage and Gondhal programme etc.

8] Prima facie it appears that the victim was staying with her paternal aunt and it appears that on receiving message, she went for that Gondhal programme and it appears prima facie that she did not bring the victim with her and leaved the victim there only. The victim was examined by the doctor on 22.01.2024. She narrated the history to the doctor and she has reiterated how she was taken and how Dhananjay Jori committed sexual intercourse with her and further stated in respect of her marriage in the Mandir and further she stated that next day of the marriage i.e. on 13.01.2024 she eloped from the house and went to the house of her grandmother. Prima facie it appears that the victim has not disclosed regarding the programme of Gondhal after marriage, while narrating the history and even not disclosed regarding the message sent to her paternal aunt about the same and the fact that her paternal aunt had been there for the programme and the paternal aunt left from that place without taking the victim with her.

9] In this background, photographs tendered on record prima facie shows that the victim was in happy mood and her marriage seems to be solemnized by following all the rituals. Thus, from the photographs and considering her age of understanding, it nowhere discloses that she had been taken forcibly. Further, it seems that from 10.01.2024 to 17.01.2024, the victim has not raised voice against the applicant and co-accused, though it appears prima facie from the statement of paternal aunt of the victim that the victim was having

mobile phone with her or even it was possible for her to raise voice during that period, but she has not resisted or raised voice.

10] In the facts and circumstances, the role of the present applicant seems that he aided Dhananjay Jori to take the victim from the Swift Car for marriage. Therefore, considering his role and on perusal of photographs, it seems that his further detention behind the bars is not necessary. Considering the objection raised, it is just and proper to impose stringent conditions upon the applicant, while releasing him on bail. Therefore, application is to be allowed. With this, I proceed to pass the following order:

ORDER

- 1] The application is allowed.
- 2] The applicant **Satish Chandrakant Akhade** 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 – 14.03.2024.

(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	- 14.03.2024
Order dictated on	- 14.03.2024
Order transcribed on	- 14.03.2024
Order signed by P.O.	- 14.03.2024
Uploaded on	- 15.03.2024