

ORDER BELOW EXH.1

1] The applicant Omkar Vasant Gite, aged 21 years was arrested on 31.03.2024 in connection with C.R. No. 51/2024 registered in Chikhali Police Station under Section 363, 376, 376(2) (n) of the Indian Penal Code and under Section 3,4,5(l), 7,8,12 of the Protection of Children from Sexual Offences Act, 2012. He has filed this application for bail under Section 439 of the Cr.P.C. He contends that this is his first bail application and no other bail application is pending in any other Court.

2] The granddaughter of the informant aged 17 years left home on 19.12.2023 saying that she is going to the house of her mother at Kondhawa Pune. Mother of the daughter made phone call to the informant on 25.12.2023 asking that she wants to talk to her daughter. The informant told her that she has left the house saying that she is going to her house and at that time, it was noticed that she was not reached to either of the houses. A missing complaint therefore lodged to Chikhali Police Station and during inquiry, the granddaughter of the informant was found together with the applicant at Gitewadi, Tal. Patoda, Dist. Beed. They were brought to the Police Station, medical examination was carried and it was found that the granddaughter of the informant was pregnant. After inquiry with her, it was disclosed that there was friendship between the two on Instagram which turned into love affair and the applicant maintained physical relations with her under pretext of marriage. He induced her to flee away from her house.

3] The application is resisted by the Investigating Officer by filing say (Exh.6) and the informant has also opposed this application by filing say (Exh.5). The Ld. A.P.P. submits that considering the nature of offence under POCSO Act and also considering the fact that the victim is now pregnant from the applicant, the applicant may not be released on bail.

4] The applicant has come with a case of pure love affair and he denies that he induced the victim to leave her parental house. According to him, the victim has left her house on her own accord and he was residing with him as they were in love with each other. They have decided to marry. The Ld. Advocate for the applicant submits that under the circumstance, none of the offences are prima facie made out. The applicant is falsely implicated as the parents and the informant of the victim were against her decision to marry the applicant. The applicant has no criminal antecedents. He is permanent resident of Village Gitewadi, Tal. Patoda, Dist. Beed. He will not flee away and will abide by all the conditions those would be imposed by the Court. Hence, he submits that the applicant be released on bail.

5] The investigating papers produced on record show that the substantive investigation has been completed. The victim girl was of the age of 17 years and the applicant was of the age of 21 years and both of them were of the age of understanding. They were fully knowing the consequences of the decision they were taking. Under the circumstances, I am inclined to release the applicant on bail on

certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Omkar Vasant Gite, who was arrested on 31.03.2024 in connection with C.R. No. 51/2024 registered in Chikhali Police Station under Section 363, 376, 376(2)(n) of the Indian Penal Code and under Section 3,4,5(1), 7,8,12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- with surety of the like amount.
- 3] 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.
- 4] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 5] Violation of any of these conditions would entail a ground for cancellation of bail.
- 6] Bail application stands disposed of accordingly.

Pune.
Date – 24.06.2024.

(S.R. Salunkhe)
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	- S. R. Salunkhe, Addl. Sessions Judge, Pune.
Date of Order	- 24.06.2024
Order dictated on	- 24.06.2024
Order transcribed on	- 24.06.2024
Order signed by P.O.	- 24.06.2024
Uploaded on	- 25.06.2024