

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. 85/2024 registered with Vimantal police station for the offences punishable under Sections 363, 354, 354-A, 354-D, 366-A of the Indian Penal Code and under Sections 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.

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 father of the victim has lodged a report under Section 363 of the I.P.C. against the unknown on 18.02.2024. The victim is 14 years old and is studying in 10th standard. It appears that the victim was searched at Shirdi bus stand on 20.02.2024. The statement of the victim was recorded on 21.02.2024. She has disclosed that the applicant was known to her and staying nearby her house. Since her 8th standard, they are friends. The applicant disclosed that he likes her and they used to meet each other. On 18.02.2024 there was birthday of the applicant and he came to meet her at 3.00 a.m. The victim went outside the house and met the applicant and suddenly, the

father came outside and saw them. Therefore, they both scared and ran away and they went to Shikrapur and next day, they went to Shirdi. The applicant promised the victim to marry to her. On 19.02.2024 and 20.02.2024 they were at Shirdi and at night time, the applicant took disadvantage and touched her inappropriately.

5] The victim was examined by the doctor on 21.02.2024. She disclosed love relationship and stated that they did not have sexual intercourse. She has not disclosed any sexual assault upon her by the applicant. Thus, it appears that it is the case of love affair of a boy and a girl and she eloped with the applicant, though knowing the consequences of her own act. The applicant is 21 years old. The applicant is in his early 20's deserves to get employment, to plan and stabilize and secure his future.

6] 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 **Manish Raju Pathol** 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 – 16.04.2024.

(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	- 16.04.2024
Order dictated on	- 16.04.2024
Order transcribed on	- 16.04.2024
Order signed by P.O.	- 16.04.2024
Uploaded on	- 18.04.2024