

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. 382/2023 registered with Vimantal police station for the offences punishable under Sections 363, 366-A, 376, 376(3), 506 of the Indian Penal Code and under Sections 4, 6 and 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 informant has filed say and he has 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 charge-sheet and photographs tendered by the applicant.

4] The father of the victim has lodged a report on 21/07/2023 u/s. 363 of IPC. The victim is 16 years old and she left the house at 2.30 p.m. and she did not returned. On 24/07/2023 the applicant left the victim at Nobal Hospital, Hadapsar and handed over mobile phone to her and then by giving threats to her he left. Thereafter, the victim gave phone call to her father and called him. The police and her father came and taken the victim to Vimantal Police Station and thereafter send the victim for medical examination. Thus, after that her statement was recorded on 24/07/2023. The victim has disclosed

that the applicant was the friend of her sister and they became friends and there was love affair. Thereafter, the victim blocked the mobile phone of the applicant and she felt unsafe with the applicant. On 21/07/2023 she found messages on her mobile phone and the applicant called her to meet him. The victim denied for the same, but the applicant gave her threats and therefore the victim went to make the applicant on the road near to her house. She told the applicant that she did not want to keep friendship with him. Then, he snatched her mobile phone and switched of the phone. He compelled the victim to sit on his two-wheeler. Her sister saw them while the applicant kidnapping her. He took the victim on highway and had taken in one village by truck. The applicant had thereafter taken the victim at the house of his brother and told them that victim was his friend. At night time, the applicant has forcibly established physical relations with the victim. The victim was crying and told the applicant that she wanted to go home. Then the applicant answered her that now his job is over and he would drop her on next day. He threatened the victim that not to disclose the incident to his brother and sister-in-law and next day he dropped the victim at Nobal Hospital, Hadapsar and handed over her phone.

5] The medical examination report of the victim discloses that she disclosed the applicant as her ex-boyfriend. They were in love relationship since April 2021 and had consensual vaginal intercourse. Perused photographs tendered on record. It appears that, the investigation has been completed and the charge-sheet is filed. The applicant is 24 years old. In the background of the conduct of the

victim and her love affair, and considering the age of the applicant 24 years and understanding age of the victim 16 years, it seems that further detention of the applicant behind the bars is not necessary. The applicant is arrested on 05/09/2023. The trial will take its own time for disposal in accordance with law.

6] Thus, in the facts and circumstances, considering earlier 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. No doubt, minor's consent is immaterial, but conduct of the applicant and the victim is necessary to consider at this stage. 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 **Ajinkya Fulchand Gavhane** 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 First Monday of every month between 10.00 am to 11.00 am till conclusion of 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 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 – 21/10/2023.

(S. P. Ponkshe)

Addl. Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of the P.D.F. File Order are same word for word as per original Order.”

Name of Steno	-	Minal C. Yeole
		Stenographer Grade III
Court Name	-	Smt. S. P. Ponkshe,
		Addl. Sessions Judge,Pune.
Date of Order	-	21/10/2023
Order signed by P.O.	-	23/10/2023
Uploaded on	-	23/10/2023