

ORDER BELOW EXH.1

The applicant Sachin Dilip Bharati was arrested on 14.02.2024 in connection with C.R. No. 27/2024 registered in Bhosari Police Station under Section 363, 376, 376-D, 376(n), 506 of the Indian Penal Code and under Section 3,4,5(g),5(l),6,8,12,15 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 indictment of the applicant as it reveals from the allegations in the FIR and other investigating papers is that the informant resides at Bhosari, Pune and victim girl aged 19 years was her sister and she was residing with their mother at Vaki, Tal. Khed Dist. Pune. The victim girl came to the house of informant for residing and on 04.05.2023 when the informant was not at home she left her house. She returned in the month of November, 2023 and on inquiry, she told that her Narayan Devkar residing at Bhosari took her to Parbhani, maintained physical relations with her under pretext of marriage repeatedly in a rental room and when she remained pregnant, he left her alone and fled away. The informant therefore, lodged complaint against Narayan Devkar and the crime was registered against him.

3. During investigation, it was disclosed that the victim was residing with her parents at Loni Gevkar, Tal. Indapur and was studying in residential school at Kem, Tal Karmala. She come in

contact with the present applicant. Thereafter, her parents shifted to village Dalas and the victim was admitted to the school in that village. The victim remained with contact of the applicant and they agreed to marry each other. The her parents shifted to village Vaki and her father died on 10/01/2022 and therefore, she came to reside with the informant at Bhosari. She remained in contact with the applicant through mobile phone.

4. Thereafter, she went to reside with her mother at Vaki. On 04/05/2023, the applicant induced her to come with him under promise of marriage and took her to village Loni Devkar, where he was working as a driver on a tractor to transport sugarcane to the Sugar factory. They resided in a rental room and the applicant maintained physical relations with the victim under pretext of marriage. She remained pregnant and the applicant just continued to assure her to marry. One day, the applicant left her alone and fled away. The victim therefore, came to the house of the informant.

5. The victim started working in cloth store at Bhosari. She came in contact with the co-accused Bajarangi Paswan. They fell in love with each other and they maintained physical relations with each other. He snapped some photographs when they were in compromising condition and then he forced the victim to maintain physical relations with his friend co-accused Sonu Paswan threatening her that those photographs will be made viral. She has thus, remained pregnant.

6. The applicant has come with a case of love affair and consensual relationship. The applicant is of the age of 24 years and he has committed no offence. Shri. Khopade, the Ld. Advocate of the applicant submits that the victim is making self-contradictory statements about her relationship and pregnancy. She does not contend about any force used by the applicant and she had voluntarily accompanied the applicant. He relies on the judgments in *Dr. Shivamurthy Murugha Vs. State of Karnataka [2023(4) Crimes 250]*, *Sandip Patil Vs. State of Maharashtra [2018 ALL MR 5242]* and *Anirudha Yadav Vs. State of Maharashtra [2020 ALL MR 1351]*, to submit that at the stage of bail it is not necessary to hold mini trial and when there was consensual relationship in absence of force, the accused should be released on bail.

7. The application is resisted by the Investigating Officer by filing say (Exh.6) and by the informant by her say (Exh.7) and based on it, the Ld. A.P.P. submits that considering the nature of offence, the investigation is going on and therefore, the applicant may not be released on bail as he would interfere with the investigation or would pressurize the prosecution witnesses.

8. Having considered the rival submissions, the nature of offence and the nature of allegations, there appears to be the consensual relationship and there is no definite stand of the victim about her pregnancy. The allegations have been changed according to circumstances. The delay to lodge FIR is not properly explained. The investigation appears to have been substantially completed. As such,

further detention of the applicant would not be necessary. The suitable conditions would take care of the apprehension posed by the complainant and prosecution. Having found this, I am inclined to release the applicant on bail on certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Sachin Dilip Bharati, who was arrested on 14.02.2024 in connection with C.R. No. 27/2024 registered in Bhosari Police Station under Section 363, 376, 376-D, 376(n), 506 of the Indian Penal Code and under Section 3,4,5(g),5(l),6,8,12,15 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 one 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 not contact with the victim and her family members, in any manner.
- 5] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 6] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 7] The applicant shall not leave India without prior permission of this Court.
- 8] Violation of any of these conditions would entail a ground for cancellation of bail.
- 9] Bail application stands disposed of accordingly.

Pune.

Date – 29.06.2024.

(S.R. Salunkhe)

Spl. Judge (POCSO), 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, Spl.Judge (POCSO) Pune.
Date of Order	- 29.06.2024
Order dictated on	- 29.06.2024
Order transcribed on	- 29.06.2024
Order signed by P.O.	- 29.06.2024
Uploaded on	- 01.07.2024