

**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. 77/2024 registered with Sahakarnagar police station for the offences punishable under Sections 376, 376(2)(n) of the Indian Penal Code and under Sections 4(l), 5(j)(2), 5(l), 6,8 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 resisted this 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 victim aged 17 years and 6 months old has lodged a report on 10.03.2024 when she was admitted in the Sassoon hospital. She has disclosed that when she was staying at Laxminagar Parvati, Pune, one year before she got acquainted with the applicant and they became friends. In the absence of the mother, the applicant called the victim in his house and under the pretext of marriage, he established physical relations with the victim and thereafter, repeatedly did the same act. On 15.02.2024, she missed her menstrual cycle and she informed about the same to the applicant. He took the victim in the hospital for check up and revealed that she was pregnant. The

applicant told about the same to his mother and other family members. The victim concealed the said fact from her parents. On 09.03.2024, at 10.00 p.m. she started abdominal pains and her parents took her to the hospital and while going to the hospital, the victim delivered boy child in the autorickshaw and accordingly, the report.

5] It appears that almost the investigation has been completed. The victim delivered the child and that means till her delivery, the victim kept mum in respect of alleged allegations against the applicant. This conduct of the victim is necessary to consider, in the background of her age 17 years and 6 months, at the time of lodging a report. The victim has attained the age of understanding and prima facie it seems that it is case of love affair of a boy and a girl. Further, it seems that the victim has surrendered to the physical desires of the applicant out of her love and affection. It is mitigating circumstance considering age group of the applicant and the victim. The victim is of understanding age and having knowledge of consequences of her act. The applicant is only 21 years old. The applicant is in his early 20's deserves to get employment, to plan and stabilize and secure his future. Almost the investigation is complete.

6] Thus, in the facts and circumstances, considering the fact 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 Suraj Salve 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 – 10.04.2024.

(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.

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| Name of Steno        | - Sau.S.V.Thakar (Steno G-1)                         |
| Court Name           | - Smt. S. P. Ponkshe, Addl. Sessions<br>Judge, Pune. |
| Date of Order        | - 10.04.2024                                         |
| Order dictated on    | - 10.04.2024                                         |
| Order transcribed on | - 10.04.2024                                         |
| Order signed by P.O. | - 10.04.2024                                         |
| Uploaded on          | - 12.04.2024                                         |