

ORDER BELOW EXH. 2 IN
-Spl. Child Case No. 633/2022
(Shantappa Siddappa Haralayya Vs. State)
(CNR No.MHPU010162442022)

The applicant/accused by name Shantappa Siddappa Haralayya has moved this application for regular bail in Crime No. 270 of 2022 registered by the Police Station Chinchwad, Pune for the offences punishable under section 376 and 363 of the Indian Penal Code and section 4,8 and 12 of the POCSO Act.

2] Perused the application, say filed by learned Additional Public Prosecutor and the record of the case. Heard both sides.

3] It is the story of prosecution that ;

The victim aged of 14 years was residing with her family. The victim came to know the applicant/accused and the love relation was developed between them. In the month of May 2022, the applicant/accused took the victim to the flat of his friend and demanded physical relations from her. At that time, the victim asked the applicant/accused that, they will get marry first and thereafter commit the physical relation. But the accused asked her that they will perform the marriage in the next month and committed the physical relations with her. Thereafter, in the month of May and June, the accused took the victim in the said flat and committed sexual intercourse forcibly for

four to five times with her.

4] On 13/6/2022, at about 4.00 a.m. in the morning the applicant/accused came to meet the victim at her house and he took the victim at Narona, Taluka-Aland, District- Gulbarga, Karnataka State. She lived with accused in Karnataka for six days. The mother of the victim lodged the report of missing the victim on 14/6/2021.

5] The learned advocate for applicant/accused has argued that it is its own story of the prosecution that there was love between the victim and the applicant/accused. The victim eloped with the applicant/accused on her own occurred. There was no force or injury to the victim. Whatever intercourse alleged by the prosecution is the consensual. The applicant/accused is in custody since more than 10 months. There is no antecedents against him. Applicant/accused is ready to abide the terms and conditions of the bail. Hence, he be released on bail. He has relied upon the case laws **Satyam Ramchandra Fulore Vs. The State of Maharashtra 2015, ALLMR (Cri) 2785** and **Anirudha Radheshyam Yadav VS. The State of Maharashtra 2020 ALL MR (Cri) 1351**.

6] The learned Additional Public Prosecutor has submitted that this offence is grave and serious. If he is released on the bail he will tamper the prosecution witnesses.

7] The reply of the informant was called and she has submitted that if the applicant/accused is granted the bail, he will again give trouble to her daughter/victim.

8] After considering the submissions made by both sides, it appears that there was love affair between the victim and applicant/accused. The victim herself eloped with the accused. So, also the sexual intercourse between them appears to be consensual. The applicant/accused is in custody since more than 10 months. His age is 25 years. There is no criminal antecedents against him. He is ready to abide the terms and conditions of bail. The worry of the prosecution that the accused will give trouble to the victim can be cured by imposing the conditions. Therefore, in view of the case laws, cited supra, the applicant/accused is entitled for bail. Hence, I proceed to pass the following order :-

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused by name Shantappa Siddappa Haralayya be released in Crime No.270/2022, registered by the Police Station, Chinchwad, for the offences punishable under Sections 376 and 363 of the Indian Penal Code and section 4,8 and 12 of the POCSO Act on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two solvent sureties in the like amount.

- (iii) The applicant/accused is directed not to contact the victim or any way.
- (iv) He is directed not to give any threat, inducement or promise to any witness and not to tamper any prosecution evidence in any way.

(Dictated and pronounced in open Court.)

Place-Pune
Date -12/05/2023

(R.N. Hiwase)
Addl. Sessions Judge

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same word for word as per original Order.

Name of Steno : Bharati D. Gaikwad
(Stenographer Grade-I)

Court Name : R. N. Hiwase
Adhoc District Judge -1 and
Additional Sessions Judge,
Pune.

Date of Order : 12/05/2023

Order signed by the 12/05/2023
Presiding Officer :

Order Uploaded on : 12/05/2023