

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. 347/2022 registered with Hadapsar police station for the offences punishable under Sections 363, 366-A, 376(2)(n) of the Indian Penal Code and under Sections 4,8,12 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. 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] It indicates from the report that father of the victim has lodged report under Section 363 of I.P.C. against unknown on 05.04.2022. The victim is 16 years old. Statement of the victim recorded on 08.08.2022 discloses that she got acquainted with the applicant through her school friend before 3 years and since one year they developed love relationship and used to meet frequently outside the school. On 03.04.2022 the victim and applicant met near to the house of the victim and he enticed the victim for marriage and told her to elope. Accordingly, they both decided to elope on 04.04.2022 and called her at early morning on 04.04.2022 at Saswad.

Accordingly, on 04.04.2022 at around 1.00 a.m. she left the house without informing anyone. She took some cash with her and went at Mundhawa by autorickshaw and then at Hadapsar and then by bus went to Saswad. The applicant was already present there. Thereafter, they went at Undawade, by bus at the house of parents of the applicant. Upon asking by mother of the applicant, victim told her age 18 years completed. She stayed there till 05.08.2022 and helping mother of the applicant. In the house, the applicant and the victim used to sleep together in a room. On 06.04.2022, the applicant established non consensual sexual relations with her and thereafter, repeatedly, the applicant established physical relations with her. The victim did not tell about the same to anyone. On 05.08.2022 room at Undawadi vacated and they went to reside at Bhosalewadi in a rented room. On 08.08.2022 police along with relatives came there and took her to Hadapsar police station.

5] Medical examination report of the victim discloses that doctor examined her on 08.08.2022. She disclosed to the doctor about her love relationship with the applicant since four years and further discloses that they planned to run away and accordingly, they ran away on 04.04.2022. They got married in a temple on 05.04.2022. They had episode of consensual sexual intercourse on 05.04.2022. No history of physical assault. Further, she disclosed that they had multiple consensual sexual intercourse. Thus, accordingly, advocate for the applicant has filed photographs of the applicant and the victim and it shows that they married in a temple.

6] It is case of love affair of a boy and a girl. The victim has attained age of understanding and she 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 24 years old. The applicant is in his early 20's deserves to get employment, to plan and stabilize and secure his future.

7] 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. 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 **Rahul Rajendra Pawar** shall be released on bail upon furnishing P.R. bond in the sum of Rs.15,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every Monday 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 submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 6] The applicant shall not leave The State of Maharashtra without prior permission of the Investigating Officer.
- 7] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 8] Bail application stands disposed of accordingly.

Pune.
Date – 17/09/2022.

(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	- 17.09.2022
Order dictated on	- 17.09.2022
Order transcribed on	- 17.09.2022
Order signed by P.O.	- 22.09.2022
Uploaded on	- 22.09.2022