

CRI.Bail Appln.no.153/17**Order Below Ex.1.**

1] The applicant has moved this court under Section 439 of The Code of Criminal Procedure of the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under section 363 of the Indian Penal Code. It is alleged that the applicant kidnapped the daughter of the complainant i.e. victim girl aged about 17 years 11 months and 8 days from her lawful guardianship. It is further alleged that the applicant kept sexual relations with the victim girl against her wish. The offence came to be registered on the basis of complaint lodged by the father of the victim girl.

2] It is contended that the applicant has been falsely implicated in this case. The applicant and victim girl are having love affair with each other and were ready to get married as the victim girl completes 18 years of age. There are no bad antecedents against the applicant. He is permanent resident of Pune, having roots over there. Hence, this is the application.

3] The application is opposed by the State by filing say. It is submitted that the victim girl is minor aged about 17 years who has been kidnapped by the applicant. It is submitted that if the applicant is released on bail, there is possibility of repeated crime and tampering with the witnesses. Investigation is yet to complete. The rejection is thus prayed for.

4] Heard learned counsel for both the sides. Perused the case papers. On perusal of case papers, it seems that the applicant was in love with victim girl aged about 17 years 11 months 8 days.

The reliance is placed on some letters and the correspondence made between the victim girl and the applicant by way of Whatsapp messages. It seems from the messages that they are in deep love with each other. The girl informed the applicant that her marriage was going to be settled and therefore, they left her respective homes. So, it is the victim girl who left her home on her own accord. There is no force exercised by the applicant. So far as sexual relations are concerned, again there are no allegations of making force by the applicant. It is true that the victim girl is below 18 years of age, however, she has attained the age of majority who knows the consequences of the act committed. Admittedly, she did not disclose about the incident for a considerable period to her parents. Moreover, the applicant is permanent resident of the place mentioned having roots over there. So, considering all the above aspects this is a fit case to grant bail. With this, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Nilesch Raju Pol be released on executing P. R. bond of Rs. 15,000/-, with one surety in the like amount.
- 3] The applicant shall supply documentary evidence of his permanent address and shall file affidavit in support thereof.
- 4] The applicant shall not tamper with the prosecution witnesses in any manner.
- 5] The applicant shall report to the concerned police on every Monday between 4.00 p.m. to 5.00 p.m. till filing of the charge-sheet.
- 6] The applicant shall not meet the victim girl till the trial is over.

Pune.
Date – 03.02.2017

(Mangala J. Dhote)
Additional 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 - S.V.Thakar,

Court Name - Smt.Mangala J Dhote, Additional Sessions
Judge, Pune.

Date of order - 03.02.2017

Order signed by P.O. - 03.02.2017

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