

ORDER BELOW EXH.1

(Ajay Sunil Kale V/s. State of Maharashtra)

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. No. 372/2020 registered at MIDC Bhosari Police Station for the offence punishable under sections 363, 366A, 354A, 354D of the Indian Penal Code and under sections 7,8,11,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 15 years 5 months lodged report of her kidnapping. During investigation and after recording statement of victim it revealed that she was acquainted with applicant since 1 year, they became friends, they were meeting and talking with each other, applicant assured to marry with her. In March-2020 applicant took victim at Bhosari garden and tried to create intimacy with her without her wish, he kissed her and pressed her chest, thereby outraged her modesty.

3] According to applicant he is falsely implicated in this matter. It is a case of love affair. Victim is about 16 years old and knows the consequences of act. She left the house at her own accord. There is no force from the applicant. Applicant is 20 years old and is doing labour work. His family members are depending on him. He is permanently residing at Wagholi, Pune. He has no criminal antecedents. He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. From statement of victim it revealed that she was acquainted with applicant and there was friendship between victim and applicant, they were meeting and talking with each other. There are allegations of outraging modesty of victim by applicant. Victim is about 16 years and applicant is 20 years old. Victim has attained age of sufficient maturity and knows the consequences of act. Moreover, victim did not complain about penetrative sexual assault by applicant and she refused for medical examination by stating that she is not willing to undergo medical examination. It appears that about the incident of March-2020, disclosure is made on 29.8.2020 when applicant and victim eloped, stayed together in the house of relative of applicant since 25.8.2020 till 28.8.2020. First informant filed reply stating that report was filed due to misunderstanding and she has not objected this bail application on any grounds. These are mitigating circumstances. Moreover, in view nature of offence and allegations investigation is practically over. Personal custody of applicant is not required. He is 20 years old and doing labour work and his family members are depending on him. He is permanently residing at Wagholi, Pune. He has no criminal antecedents. No purpose would serve by keeping the applicant behind bar for unknown period. Due to all above reasons application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Ajay Sunil Kale be released on executing P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount. One local surety be furnished.
- 3] The applicant shall not tamper the prosecution evidence in any manner.

- 4] The applicant shall attend MIDC Bhosari Police Station on every Monday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed.
- 5] The applicant shall not meet, harass, threat and pressurize the victim.
- 6] The applicant shall co-operate investigating machinery as and when required.
- 7] Prior to furnishing surety, the applicant shall submit his address proof, mobile number and inform about the change in address and mobile number.

Sd/-

Pune.
Date – 07.10.2020.

(R.V.Adone)
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. Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 07.10.2020.
Order signed by P.O.	- 07.10.2020.
Order uploaded on	- 08.10.2020.