

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State. Notice issued to first informant.

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. 390/2019 registered at Wanowarie Police Station for the offence punishable under section 363, 376(3), 376(2), (j), (n), (h) of the Indian Penal Code and under section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that mother of victim aged about 13 years 10 months lodged report of her missing. During investigation and after recording statement of victim, it revealed that she was studying in 9th standard and aged about 13 years 10 months. She was acquainted with applicant since 2015. They became friends and were talking each other. Applicant proposed her. Thereafter, they started meeting each other. In December-2018, applicant took victim at Ramtekdi, Industrial area, Hadapsar in forest area and committed forcible sexual intercourse with her, act was repeated in April-2019 for about 5 to 6 times. As a result of which, victim became pregnant.

3] According to applicant he is falsely implicated in this matter. It is a case of love affair. Applicant never forced victim. Applicant is earning member of family and doing service. His family members are depending on him. Investigation is practically over. He is 24 years old and has no criminal antecedents. He is permanently residing at Hadapsar, Pune. He is ready to abide the conditions. Hence,

he prayed to release him on bail.

4] APP and Investigating Officer objected this application on the ground that investigation is in progress. Victim is minor only about 14 years old. 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. From statement of victim role attributed to applicant can be gathered. They were acquainted with each other. Since December-2018 till April-2019 applicant committed repeated sexual intercourse with victim though she was minor. As a result of which, victim became pregnant and she is 34 weeks 3 days pregnant. Medical report of victim shows history of love relationship and multiple episodes of sexual intercourse. Considering age of victim, prima facie her consent is not material. At the age of 13 years 10 months, victim is 34 weeks pregnant, so there is gravity of the offence. Considering age of victim, there is possibility of tampering prosecution evidence and giving threats and pressure to victim and witnesses by applicant. Investigation is at initial stage. Therefore, at this stage, it is not proper to release applicant on bail. Hence, application deserves to be rejected with following order. Hence, following order:-

ORDER

The application is rejected.

Sd/-

(R.V.Adone)

Addl.Sessions Judge, Pune.

Pune.

Date – 03.9.2019.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- Arya Nikam (Stenographer G-1)
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 03.9.2019.
Order signed by P.O.	- 03.9.2019.
Order uploaded on	- 04.9.2019.