

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. 61/2023 registered with Koregaon Park police station for the offences punishable under Sections 363, 376(2)(n) of the Indian Penal Code and under Section 4 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 she has given no objection for releasing the applicant on bail.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and the Charge-sheet.

4] The mother of the victim has lodged a report against unknown under Section 363 of the I.P.C. on 18.04.2023. She has made allegations that unknown has kidnapped the victim from her custody and the victim is 15 years old child. The statement of the victim recorded on 05.05.2023 discloses that when she was residing at Satara along with her father since last two years and studying in 10th standard she got acquainted with the applicant and they were in love relationship since one year. When the father of the victim came to know about her love affair with the applicant, he sent the victim to

her mother at Koregaon Park, Pune. Her mother and grandmother were teasing her on account of her love affair with the applicant.

5] Her statement further discloses that on 16.04.2023, she gave phone call to the applicant from phone of her maternal aunt and told him that she wanted to come to Satara. Thereafter, the applicant sent her money on google pay of her maternal aunt and by telling false to maternal aunt, the victim had taken said money from her maternal aunt. Thereafter, on 17.04.2023 at around 3.00 p.m. by stating falsely to her mother, the victim left the house and went to Swargate and thereafter, by bus she went to Satara. Then applicant took the victim to Pune Railway station and they met with one person Mahendra Vetral and he agreed to give job. Therefore, they went along with him on 19.04.2023 by railway to Taju, Tal. Karjat, Dist. Ahmednagar and stayed in the house of that person, where the applicant and the victim had four to five times physical relations. On 04.05.2023, police came there and brought them to Koregaon park police station on 05.05.2023. The victim has denied her medical examination.

6] The Ld. Advocate for the applicant has placed his reliance in *Anirudha Radheshyam Yadav Vs. The State of Maharashtra in Criminal Bail Application no. 2632/2019 decided on 09.01.2020.*

7] Thus, it is case of love affair of a boy and a girl. The victim had attained age of understanding and she had surrendered to the physical desires of the applicant out of her love and affection towards him. 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 21 years old. The applicant is in his early 20's deserves to get employment, to plan and stabilize and secure his future. The investigation has been completed and the Charge-sheet is filed. Certainly trial will take its own time for disposal in accordance with law.

8] 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 **Laxman Shyam Tanksal** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] The applicant shall attend concerned police station on every Monday and Friday 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 not contact with the victim and

family members, in any manner.

- 6] The applicant shall not confront to the victim and not to enter in the area where the victim is residing.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.
- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.
Date – 13.07.2023.

(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	- 13.07.2023
Order dictated on	- 13.07.2023
Order transcribed on	- 13.07.2023
Order signed by P.O.	- 13.07.2023
Uploaded on	- 14.07.2023