

Order below Exh. 09
(Delivered on 12/08/2022)
Samad V/s. State of Maharashtra

- 1] Applicant/accused filed present application under Section 439 of Cr. P. C. in connection with C. R. no. 160/2022 (Special POCSO Case no. 78/2022) registered against the applicant/accused for the offence punishable under Section 363, 376, 376(J) of the Indian Penal Code and under Section 4 of the POCSO Act, at Beed Rural Police Station, District Beed.
- 2] Victim is 15 years old daughter of informant at the time of incident. It is alleged that on 25/05/2022, victim went for classes, but she didn't return. Therefore, informant searched the victim at the house of their relatives, as she didn't found, he lodged complaint of kidnapping against unknown person. During the investigation victim found with accused at Kolhapur. Police brought them at Beed. On inquiry with victim, it is revealed that accused kidnapped her and took her at Pandharpur, thereafter, Satara and then Kolhapur and kept physical relationship with her.
- 3] The ld. advocate for the applicant/accused argued that it is the case of consensual relationship, victim voluntarily left the house and went with accused. She informed that she is major. Now, the investigation is completed and charge-sheet is also filed. Therefore, continue custody of the applicant/accused is not required. He is ready to conditions imposed by the Court. Hence, prayed to release him on bail.

4] The Ld. DGP argued that victim is hardly 15 years old girl, accused kidnapped and her committed rape on her. If, he released on bail he may threatened the witnesses and tamper the evidence. Hence, prayed to reject the application.

5] After perusal of charge sheet, from the statement of victim recorded before police and her statement recorded before Ld. Magistrate, it is observed that victim was having love affair with the applicant/accused. Even in the history narrated to the MO, victim stated that she voluntarily went with the accused and twice kept physical relationship with him.

6] It is the case of love affair, from the birth proof of victim, it is revealed that she is minor. As the charge-sheet is filed nothing is to be recovered from the applicant/accused, hence, his continue custody is not required. By putting conditions he is entitled to release on bail. Hence, I proceed to pass the following order.

ORDER

1]	Bail application (Ex.09) is hereby allowed.
2]	Applicant/accused Samad Mohammad Tahasildar be released on bail in C.R. No. 160/2022 (Special POCSO Case no. 78/2022) lodged with Beed Rural Police Station, Beed on his executing P.R. & S.B. of Rs. 25,000/- with solvent surety of like amount, on following conditions:-
a]	He shall attend the Court on the given date without fail.
b]	He shall also provide his and his two close relatives permanent address.
c]	He shall not leave the jurisdiction of Beed district without prior permission of the Court.

d]	Violation of any condition, his bail shall automatically stands cancelled.
	'Pronounced in open Court '

Date : 12/08/2022

(S. R. Patil)
Special Judge (POCSO),
Beed.

