

MHJN010026152024



**ORDER BELOW EXH.06 IN SPECIAL CASE NO.506 OF 2024**

[ State Vs. Jabbar Sayyad ]

1. Applicant-accused arrested by the Taluka Jalna police station in an offence which is registered against him at C.R.No.425/2024 of the offences punishable under sections 363, 366(A), 376, 376(2)(n) of Indian Penal Code and sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act (here-in-after referred to as POCSO Act) has filed this application for bail.
2. Perused application and say filed by the prosecution. Heard, learned APP Shri.B.K.Khandekar for the state and Adv.S.E.Siddhiqui, the learned Advocate for applicant-accused.
3. Perused entire proceedings. The complaint in the present case is lodged by the father of the victim. The sum and substance of his complaint is that on 27/06/2024 the victim had left home without informing anybody and though they had taken an extensive search they could not find her. They had suspected that applicant-accused must have kidnapped her and therefore he had lodged a complaint and an offence was registered at C.R.No.425/2024 of the offence punishable under section 363 of the Indian Penal Code.
4. On 07/07/2024, the victim had appeared before the police and

her statement was recorded. In her statement she has stated that she wanted to marry the applicant-accused and therefore she had on her own left home and gone to Devmurti Fata. She had then phoned applicant-accused and called him and she had eloped with him. They both had stayed at Parbhani until 07/07/2024. During that period they have taken sexual intercourse. They had then on their own returned home.

5. The learned Advocate for applicant-accused submits that whatever has taken place between the victim and accused was with the consent of the victim. The victim is 16 years of age and the applicant-accused is 23 years of age. It is therefore not a case where accused has committed a serious offence and should be detained behind the bars throughout the trial. It is submitted that applicant-accused shall not contact the victim and shall not enter into the limits of District Jalna during the trial.

6. Per Contra, the Ld APP submits that offence is serious. If applicant-accused is released on bail he may again repeat the offence.

7. I would agree with the Ld Advocate for the accused that it is not a case where the accused should be detained behind the bars throughout the trial. However at the same time care should be taken that the offence is not repeated. I am of the opinion that applicant-accused should be released on bail on certain terms and conditions. Hence, the order.

**ORDER**

1. Application is allowed.
2. Applicant-accused Jabbar s/o. Munir Sayyad be released on executing bail bond in the sum of Rs.50,000/- with one or more sureties of like amount or cash security of same amount in connection with Crime No.425/2024, registered with Taluka Jalna Police Station, on following conditions.
  - (a) Applicant-accused shall attend the Court on each and every date.
  - (b) Applicant-accused should not contact the victim in any manner whatsoever.
  - (c) Applicant-accused shall not tamper with the prosecution witnesses.
  - (d) Applicant-accused should not enter into the limits of District Jalna without the permission of the court.
  - (e) Applicant-accused should provide his new residential address to the police.
  - (f) Intimate concerned police station, accordingly.

Date : 10/10/2024

( V.M.Mohite)  
Special Judge,  
Jalna.

**CERTIFICATE**

I affirm that the contents of this PDF file are word to word as per original order.

Name of Steno - A. P. Deshmukh

Name of the Court - Principal District & Sessions Judge, Jalna.

Date :- 15/10/2024.

Sd/-

Stenographer Grade-1