

Spl (POCSO)Case No. 162/2023
StateVs. Deepak Yuvraj Sonawane
CNR No.MHNS070019592023

ORDER BELOW EXH.6

1. This is an application for bail under Section 439 of the Code of Criminal Procedure, in Crime No.340/2023, registered with Satana Police Station, Tal. Satana, Dist. Nashik, for the offences punishable under sections 376, 376(3), 376(2)(n) of the I.P.C. and sections 4(2), 5(I) 6(1) of the POCSO Act.
2. Heard the learned counsel for the applicant and the learned A.P.P, for the State. Perused the record.
3. It is submitted by the learned counsel for the applicant that the applicant is just 22 years old, having no criminal antecedents. He has been behind the bars since 26/07/2023. Per contra, it is submitted by the ld. APP that the offence is serious. The victim is aged around 13 years 5 months. The applicant rendered the victim pregnant.
4. As per the say filed by the police, the applicant kidnapped the victim, under the pretext of getting married to her and had sexual intercourse with her, repeatedly. The victim is said to be aged about 13 years 5 months and 11 days at the time of the incident.
5. Though, the sexual intercourse appears to be consensual, the consent of the victim is totally immaterial, as the

victim was merely aged about 13 year 5 months and 11 days at the time of the incident. Investigation is complete and charge-sheet has been filed. The applicant appears to be just 22 years, and the relationship was prima facie consensual. In such scenario, the applicant cannot be kept behind the bars for inordinate duration, till the conclusion of the trial, due to which, I proceed to pass the following order.

ORDER

1. The application is hereby allowed.
2. The applicant be released on bail, on his executing P.R. bond of ₹. 15,000/- [₹. Fifteen Thousand Only] with one surety in the like amount, in the aforesaid crime, on the following conditions;
 - i. The applicant shall not tamper with the prosecution witnesses in any manner.
 - ii. The applicant shall not indulge into any similar crime.

Date: 16/10/2023
Place: Malegaon

(S.U. Baghele)
Addl. Sessions Judge, Malegaon.