

Order Below Exh.11 in Spl.C.No.10/2021
(CNR-MHOSO10003042021)

1 Application for bail as per sec.439 of Criminal Procedure Code (called Cr.P.C.) is by applicant/accused from crime No.388/2021, City Police station Osmanabad, Tq & dist-Osmanabad for the offences punishable u/sec.363,366(A),376(2)(3) of Indian Penal Code (called I.P.C.) and offences punishable u/sec.6 and 10 of The Protection of Children from Sexual Offences Act, 2012 (called POCSO Act). The applicant is arrested on 11.12.2020.

2 Perused the application and say of victim and informant given over leaf and say of Spl.P.P. vide exh.12. Perused documents from the charge sheet. Heard both.

3 The application is strongly objected by the prosecutor alleging that initial incident of taking benefit of the minority of victim started allegedly when she was of 14 years 6 months. Presently the victim was aged 15 years 6 months. Prosecution claims that still forensic reports etc. are yet to be received. It is claimed that the accused is not permanent resident within jurisdiction of this Court nor from the place where he allegedly taken the victim which is allegedly from District Ratnagiri, so prosecution fears of absconding of accused and unavailability for the trial. At the other hand as regards medical examination evidence of the victim, it is claimed that there are mentions of symptom of rape.

4 It is true that the victim is aged 15 years 6 months. The charge sheet is submitted shows actual investigation as regards of accused is over. It can be C.A. reports may follow. Accused is arrested before a year. He is aged 23 years. It is true that he has no permanent residence and he was on casual working in the hotel as cook. It is true the aspect being considerable it can be considered by taking heavy surety from for securing his presence.

5 Allegedly starting of alleged love affair can not be the aspect for the prosecution in present case. Only the cause remains about actual incident.

6 As submitted by the learned advocate for the accused, statement of victim reveals that there was love affair between the victim and accused. As regards at the time of actual incident, she made phone call and called him for going away. She says she wanted to avoid her would be marriage tried to be engaged by parents, with somebody unwanted person and also at her age of 15 years 6 months etc. It is true now she has shown objection to release the accused stating that it is danger to her life. Any how considering their alleged acts, calling him and making him to take her with him and had consequential physical relation where there is no violence, it all affects now to objections. It is true that it is objection of the mother of victim. Any how in statement under sec.164 of Cr.P.C. also there are like mentions of her voluntariness. Considering all those aspects, if appropriate care is taken about fear shown by the prosecution, it would suffice the purpose. Accused

submits that his sister is at local in jurisdiction of this Court and he is ready to furnish local surety and will abide all conditions. Considering those aspects and only detaining the accused behind bar would not suffice any purpose now. It is true that initial bail application was rejected. But it is also true that mere submission of charge sheet is no change in circumstance. It is equally true that for the charge sheet the aspects are to be seen as regards what witnesses have told in the charge sheet. So considering all those aspects, it concludes that it is sufficient period accused has passed in the jail prior to considering merits in the trial. In the consequences, it is concluded that the accused is entitled for release on bail. Hence I pass the following order-

ORDER

Application for bail is allowed on conditions as under-

- 1) The applicant/accused Sanjay Ravindra Chavan, Age-23 years, occu-Cook, R/o. Ukashi, Tq.& dist-Ratnagiri from Crime No.388/2021, City Police station, Osmanabad, Tq.& Dist-Osmanabad be released on bail from offences punishable u/sec.363,366(A),376(2)(3) of Indian Penal Code (called I.P.C.) and offences punishable u/sec.6 and 10 of The Protection of Children from Sexual Offences Act, 2012 (called POCSO Act), on furnishing surety, P.B. and S.B. for Rs.40,000/-(Rupees Forty thousand only) with one or more sureties in the like amount from which two sureties if any should be from local area.
- 2) The applicant/accused not to interfere in prosecution evidence and not to contact nor pressurize the victim/informant and

witnesses.

3) The applicant/accused should attend this case positively once in every month.

4) The applicant/accused not to seek adjournment at the time of hearing on any ground.

5) Breach of any condition will make the revocation of bail order.

(Dictated and declared on dais)

Date: 27.12.2021

(**Satish D.Jagtap**)
Ex.Jt.Addl. Sessions Judge,
Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	--	R.P. Stenographer (H.G.)
Court	--	Ext.Jt.Addl.Sessions Judge,Osmanabad.
Date	--	27-12-2021
Order signed by the Presiding Officer on	--	28-12-2021
Order uploaded on	--	28-12-2021