

ORDER BELOW Exh. 1 IN SPL.(CHILD) CRI. M. A. No. 189/2013.

This is an application under S. 439 of the Criminal Procedure Code for release of applicant/accused in C.R.No. 334/2013, for the offence punishable under S. 376(2), 452, 323, 504, 506 of the I. P. C. and under S. 4, 6, 8, 10 of The Protection of Children from Sexual Offences Act, 2012.

2] It is submitted that accused has not committed such offence as alleged but he is falsely implicated and complaint was lodged at the intervention of the social workers and other political persons of the village. Further the accused has got landed property in village Ale, Tal. Junnar, Dist. Pune. Thus there is no likelihood that he would abscond and he is ready to abide by any conditions imposed by this court. Hence it is submitted the accused be released on bail.

3] Special Public Prosecutor for the State opposed the application with the contention that on giving false promise to marry, the accused kept sexual relations with the victim, that too against her will. Further when she is a minor and if the accused is released on bail, he will again repeat the same act or pressurize the victim or other witnesses.

4] I have perused the papers of investigation. At this stage, it cannot be said as submitted by the learned counsel for the accused that accused is falsely implicated or he is innocent. There appears to be carnal relations between them since long period and perhaps in the mean time the accused married with some other girl. But it is a fact that the victim is minor and when she disclosed those relations or the act of the accused, the report was lodged against the accused. This accused was arrested on 27-11-2013 on the very

day when offence was registered and since then he is behind bars.

5] It is submitted that the investigation is going on and, therefore, it would not be proper to release this applicant on bail. However, if the facts and circumstances of the case are borne in mind, it is not desirable to keep the accused in jail, who is of the age of 23 years. Though there is an offence punishable under S. 376 of IPC or under S. 4 of The Protection of Children from Sexual Offences Act, 2012, said act of the accused cannot be equated with usual offence under S. 376 of the IPC. Hence taking care that the accused would not get an opportunity to contact victim or pressurize the witnesses and asking him to reside elsewhere, he can be released on bail on strict conditions i.e. asking him to attend police station etc. Hence the following order.

ORDER

1] The application is allowed.

2] The applicant Abhijeet Rajendra Shirtar is enlarged on bail, on furnishing solvent one or two sureties of Rs. 30,000/- and his own bond in the like amount.

3] The applicant shall stay away from Junnar Taluka of Pune District and as submitted shall reside in Chakan town Tal. Khed, Dist. Pune, till further order.

4] He shall furnish detailed residential address where he would reside, so also give the mobile number to the police and the court.

5] He shall attend police station Narayangaon once in a week i.e. on every Friday in between 3 p.m. to 5 p.m. till filing of the charge sheet.

6] He shall not try to contact the victim or the prosecution witnesses and not to tamper with the evidence in any manner.

Pune,

Dated/- 11-12-2013.

(S. D. Darne)

Special Judge, Pune (Under Protection of
Children from Sexual Offences Act, 2012)

"I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur, PA. Court Name : Shri. S. D. Darne, District Judge, 01, Pune. Judgment Signed by P.O. on :11-12-2013 Judgment uploaded on :-30-12-13 Date of PDF file : 30-12-13