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2. Heard the learned Counsel appearing for the applicant/accused. He argued that the alleged victim of the crime in question was more than 16 years of age at the time of alleged incident. Because of love affair with the applicant/accused and as he was residing in neighbourhood, they married each other. The learned Counsel further argued that this fact is not being disputed by either mother of the victim child so also the victim child. Therefore the applicant is entitled for bail. The learned Additional Public Prosecutor though has not disputed this aspect of the matter submits that as the victim child has suffered from penetrative sexual assault, the applicant/accused is not entitled for bail.

3. I have considered the rival submissions and also perused the copies of deposition of prosecution witnesses so also the impugned judgment of conviction and resultant sentence.

4. The applicant and the victim child / PW2 were residing in the neighbourhood. Evidence of mother of the victim child so also that of the victim child shows that the applicant and the victim child were in deep love with each other. Hence, they performed marriage on 18th May, 2017. The victim child in her deposition stated that she has no grievance against anybody. The victim child was residing with the applicant/accused as his wife. The First Information Report was out

come of the fact that because of the love affair with the applicant/accused, the victim child became pregnant and had suffered abortion. The victim of the alleged offence appears to be more than 16 years old at the time of the alleged incident.

5. It is reported that during the trial the applicant/accused was on bail and he has not mis-used his liberty. In submission of the learned Counsel for the applicant, the applicant/accused and victim child were residing as husband and wife during pendency of the trial.

6. In this view of the matter, the following order;

:: ORDER ::

(i) The application is allowed.

(ii) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing one or more surety in the like amount.

(iii) Parties to act on authenticated copy of this order.

Vina
Arvind
Khadpe

Digitally
signed by Vina
Arvind Khadpe
Date:
2018.08.15
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+0530

(A.M.BADAR J.)