

though the applicant is a married person, there was a love affair between the applicant and the victim. The applicant was arrested in the month of August 2022 and for more than 2 years the applicant is in jail.

4. This Court while allowing the applicant to withdraw the first application, liberty was granted to apply after six months or after recording of the evidence of child witness.

5. Furthermore, this Court expedited the trial in view of the mandate of section 35(1) of the Protection of Children from of Sexual Offences Act, 2012. Despite the same, after the charge was framed in April 2024, till date not a single witness has been examined.

6. In the circumstances, there is unlikelihood that the trial will be concluded in the near future. The victim was minor, however, considering her age on the date of offence i.e. 17 years and 7 months, it can be said that she had an understanding of all the consequences, particularly, when she was knowing that the applicant is a married person.

7. In the above referred backdrop, thus I am of the opinion that since the charge-sheet has been filed and as there is no possibility to conclude the trial in near future, the applicant is entitled for grant of bail.

8. The learned APP and the learned counsel for the respondent no. 2 while opposing the application, have expressed an apprehension that if the applicant is released on bail he may pressurise the prosecution witness or tamper with the prosecution evidence. The

said apprehensions can be addressed by imposing certain stringent conditions.

9. At this stage, the learned counsel for the applicant, on instructions, submits that the applicant is ready to abide by any conditions, including the condition not to enter into territorial jurisdiction of Pune, till the conclusion of the trial;

10. In the circumstance, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.209 of 2022, registered with Kothrude Police Station, Pune, for the offences punishable under Sections 363, 366 (A), 376 of the Indian Penal Code and Section 4, 8 and 12 of the Protection of Children from of Sexual Offences Act, 2012, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of Pune, till the conclusion of the trial;
- iv) The applicant shall provide their address and name of the nearby police station to the IO, which they shall attend

the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State and the victim to apply for cancellation of bail in case of any breach of condition or misuse of liberty by the applicant.

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

11. The application is disposed of .

12. Fees of the advocate appointed to represent the respondent no. 2 be quantified as per the rules.

(ANIL S. KILOR, J)