

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 458 OF 2023

Rushikesh Shrikant Kambale ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Ms. Surbhi Agrawal for the Applicant.

Ms. Veera Shinde, APP for the State.

Ms. Devyani Kulkarni for respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 17 APRIL 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 491 of 2022 registered at Nigadi Police Station, for the offences punishable under Section 376 of Indian Penal Code and Sections 4, 6, 8 of the Prevention of Children from Sexual Offences Act, 2012.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for Respondent No.2.

4. The allegations against the applicant are of rape. However, it appears from the statement of the victim recorded under Section 164 of Cr.P.C. that the applicant and the victim had love affair. The victim has in unequivocal terms stated that the alleged physical relations which took place between them were consensual. The applicant is in jail for about 10 months. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Rushikesh Shrikant Kambale be released on bail in Crime No. 491 of 2022 registered at Nigadi Police Station, for the offences punishable under Section 376 of Indian Penal Code and Sections 4, 6, 8 of the Prevention of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not contact the victim either directly or indirectly.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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