

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3695 OF 2023**

Jeevan S. Waghmare ...Applicant
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Rahul P. Kasbekar a/w. Mr. Kunal Patil for the Applicant.
Ms Rutuja Ambekar, APP for the Respondent.
Ms Devyani Kulkarni, Appointed Advocate for Respondent No.2.

**CORAM : N. R. BORKAR, J.
DATE : 3 FEBRUARY 2024.**

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.453 of 2022 registered at Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 363, 376(2)(n) and 506 of the Indian Penal Code (IPC) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offence Act (POCSO Act).
3. According to the prosecution, on 21 August 2022, the present applicant had compelled the victim to accompany him and took her to village - Asurle Porle village. It is alleged that they stayed at village Asurle Porle for four days and during the said period, the present applicant committed sexual intercourse with her against her wish.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and learned counsel for respondent No.2.

5. It appears that at the time of alleged incident, the victim was aged about 17 years and 5 months. According to the history narrated by the victim during her medical examination, the applicant and victim were in love relationship. The victim has stayed with the applicant for four days and then they were apprehended by the police pursuant to the missing report lodged by the mother of victim.

6. The learned counsel for respondent No.2 submits that the family members of the applicant are repeatedly threatening to the victim and her family members. However, considering the overall facts and circumstances and as the applicant is in jail for more than 1 and ½ years., I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.453 of 2022 registered at Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 363, 376(2) (n) and 506 of the IPC and Sections 4, 8 and 12 of the POCSO Act on furnishing P.R Bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] Till conclusion of the trial, the applicant shall not enter into the limits of Kolhapur district, except to attend the dates before the trial court.

D] The applicant shall furnish his contact number and residential address to the Investigating Officer.

E] The applicant after his release shall attend the concerned police station within whose jurisdiction he is going to reside once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

F] The applicant and his family members shall not contact either directly or indirectly to the victim and her family members.

G] Liberty is granted to the prosecution/respondent No.2 to file an application for cancellation of bail, if the applicant or his family members commit breach of any of the conditions.

(N.R. BORKAR, J.)