

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 164 OF 2025

Mohan Ramchandra Powar ...Applicant

VERSUS

The State of Maharashtra and Anr. ...Respondents

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Mr. Satyavrat Joshi a/w Ms. Shivani Kondekar, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent – State.

Mr. Chintan Shah, for Respondent No.2.

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CORAM : N. R. BORKAR, J.
DATE : 07.04.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 236 of 2024 registered at Radhanagari Police Station, Dist-Kolhapur for the offences punishable under Sections 376, 354, 506, 452 r/w 34 of the Indian Penal Code.
3. The present applicant is the accused No.1 in the aforesaid crime. The applicant and the victim were resident of the same village. It is alleged that applicant used to ask the victim for sexual favour and when she refused, he threatened her to kill her son and under the said threat subjected her to forcible sexual intercourse.

There are allegations of forcible sexual intercourse against co-accused Sagar Mohite and Ravindra Barad.

5. I have heard the learned counsel for the applicant, learned APP for the respondent/State and the learned counsel for Respondent No.2/victim.

6. The learned counsel for the applicant submits that the Sessions Court has released the co-accused Sagar Mohite and Ravindra Barad on bail. It is submitted that the alleged relationship between applicant and the victim was consensual. It is submitted that the applicant is in jail for eight months and the trial is not likely to be concluded in near future as it is still at the stage of framing of charge. It is further submitted that as the victim is resident of the village in Radhanagari Taluka and thus the applicant is ready to stay out of Radhanagari Taluka.

7. On the other hand, the learned APP for the respondent/State submits that considering the nature of crime, the applicant may not be released on bail.

8. I have perused the statement of the victim. *Prima-facie*, the alleged act of sexual intercourse by the applicant with the victim appears to be consensual. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in

Crime No. 236 of 2024 registered at Radhanagari Police Station, Dist-Kolhapur for the offences punishable under Sections 376, 354, 506, 452 r/w 34 of the Indian Penal Code 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] The applicant shall not enter into the limits of Taluka Radhanagari, till conclusion of trial.

D] The applicant shall not contact the victim.

E] It would be open to the prosecution and the victim to file an application for cancellation of bail, if the applicant commits breach of the above conditions.

9. Application stands disposed of accordingly.

(N. R. BORKAR, J.)