

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1037 OF 2025**

Shreyas Manik Tonape ...Applicant
Versus

State Of Maharashtra And Anr ...Respondents

Mr. Shekhar Ingawale for the applicant
Mr. Rahul Gupta (Through VC) Legal Aid Counsel for
respondent no. 2
Ms. Veera Shinde APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th SEPTEMBER 2025

P.C.:

1. By this application, applicant is seeking regular bail in C.R. No. 283 of 2024 registered with Hupari Police Station, District Kolahpur for offences punishable under Sections 64(2), 65(1), 137(2) of Bhartiya Nyay Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that the applicant had taken the victim to a lodge and sexually assaulted her on two occasions by threatening her.

3. It is the contention of learned counsel for applicant that

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there was love affair between the applicant and the victim. At the time of incident, the applicant was 18 years and 10 months. There was love affair between the applicant and the victim. While giving medical history, victim has stated that she had love affair with the applicant and out of that love affair, there was sexual intercourse between them. In medical history, it is specifically mentioned that the intercourse was consensual. Learned counsel further submitted that statement under Section 164 of Code of Criminal Procedure, 1973 of the victim was recorded after 14 days in which she denies love relation with the applicant but immediately after the incident, she gave medical history which cannot be ignored. Applicant is behind bar for around one year. He was preparing for police recruitment. Hence, requested to allow the application.

4. It is the contention of learned APP, alongwith learned counsel for respondent no. 2 that at the time of incident, victim was 14 years and 11 months. The applicant sexually assaulted her twice on the promise of marriage and by threatening her. The applicant was aware about the age of the victim. The medical report shows that she was sexually assaulted by the

applicant. The applicant and the victim stay in the same area. if applicant is released on bail, he may threaten victim and prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsel, perused F.I.R. and documents produced on record. Initially, F.I.R. was lodged by the mother of the victim by stating that her daughter was kidnapped and on that day, when victim was found, immediately, her medical examination was done. While giving medical history, the victim has stated that there was love affair between the applicant and the victim and the said physical relation was consensual physical relationship. In my view, consent of a minor victim is immaterial but the applicant is behind bar around one year, he has no antecedents. There is no progress in trial. He is aspiring to become police. If he remained behind the bar, his academic life will be ruined.

6. Considering these facts, I pass following order:

ORDER

- I. The Application is allowed.
- II. The Applicant be enlarged on bail in C.R. No. 283 of

2024 registered with Hupari Police Station, District Kolahpur on executing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

III. The Applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

IV. The applicant shall not enter jurisdiction of Hupari Police Station, District Kolahpur till recording of evidence of the victim, except attending the Court dates.

V. The Applicant shall attend the Trial Court dates, regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]