

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3110 OF 2024

Sahil M. Shaikh ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents.

.....
Mr. Hrishikesh S. Shinde for the Applicant.

Mr. C.D. Mali, APP for the Respondent/State.

Ms Priya A. Patil, Appointed Advocate for the Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 29.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.536 of 2023 registered at Solapur Taluka Police Station, Solapur rural for the offences punishable under Sections 363, 376(2)(n), 366, 341, 342 read with 34 of the Indian Penal Code, Sections 4,6,8,12 and 17 of the Protection of Children from Sexual Offences Act (POCSO) and Section 3(2)(v), 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. The allegations against the present applicant are of kidnapping and of penetrative sexual assault.
4. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and learned counsel for the respondent No.2.

5. The learned counsel for the applicant has drawn my attention to the statement of victim recorded under Section 164 of the Cr.P.C.. In the said statement the victim has stated that she stayed with the applicant on her own accord and the alleged relationship between them was consensual.

6. On the other hand, the learned APP submits that the victim was minor at the time of alleged incident. It is further submitted that the applicant was married. However, there is nothing in the charge-sheet to show that the applicant was married.

7. Considering the statement of victim recorded under Section 164 of the Cr.P.C., I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C. R. No. 536 of 2023 registered at Solapur Taluka Police Station, Solapur rural for the offences punishable under Sections 363, 376(2) (n), 366, 341, 342 read with 34 of the Indian Penal Code, Sections 4,6,8,12 and 17 of the Protection of Children from Sexual Offences Act (POCSO) and Section 3(2)(v), 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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.

[N.R.BORKAR, J.]