

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

CRIMINAL BAIL APPLICATION NO. 3222 OF 2024

Somesh Subhash Kamble ...Applicant
Versus
State of Maharashtra And Anr. ...Respondents

....

Mr. Rishikesh A. Mohite, Advocate for the Applicant.

Ms. Kanchan Pawar, Appointed Advocate for the Respondent No.2.

Mr. Swapnil Walve A.P.P. for the Respondent No.1– State.

....

CORAM : N. R. BORKAR, J.
DATE : 18th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.151 of 2022 registered at Shahupuri Police Station, District: Kolhapur for offences punishable under Sections 376, 354-D, 327, 342, 323, 506 of the Indian Penal Code.
3. The victim and the applicant, who were known to each other, were in love relationship. The allegations against the applicant are of taking the victim to one hotel and there committing forcible sexual intercourse with her. There are

SAJAKALI
LIYAKAT
JAMADAR
Digitally
signed by
SAJAKALI
LIYAKAT
JAMADAR
Date:
2025.02.18
18:31:36
+0530

allegations of criminal intimidation also.

4. I have heard the learned counsel for the applicant and learned A.P.P. for the Respondent No.1-State and the learned counsel for the Respondent No.2.

5. The learned counsel for the applicant submits that the alleged relationship was consensual. It is submitted that the applicant is in jail for three years and the trial is still at the stage of framing of charge. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State and the learned counsel for the Respondent No.2/Victim submit that considering the nature of offence by order dated 06-02-2023, this Court has rejected the first bail application of the applicant. It is submitted that there is no change in circumstances. It is submitted that considering the nature of offence, the application be rejected.

7. The fact that the applicant is in jail for more than three years and the trial has not commenced is not disputed. The first application was rejected two years back. Considering

the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.151 of 2022 registered at Shahupuri Police Station, District: Kolhapur for offences punishable under Sections 376, 354-D, 327, 342, 323, 506 of the Indian Penal Code on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police once in a month i.e. on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) The applicant shall not contact the victim or her family members.
- (v) The applicant shall not tamper with the prosecution evidence.
- (vi) Application stands disposed of accordingly.

(N. R. BORKAR, J.)