

victim is minor and forcibly committed sexual intercourse with her, while they were staying together.

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/Victim.

5. The learned counsel for the applicant submits that the applicant and the victim were in love relationship, however the said relationship was not acceptable to the family of the victim as they were belonging to different religion. It is submitted that thus false report came to be lodged against the applicant. It is submitted that the applicant is in jail for about more than one and half years and the trial has not commenced.

6. On the other hand, the learned A.P.P. for the Respondent-State and the learned counsel for the Respondent No.2 submits that at the relevant time the victim was aged about 16 years & 11 months. It is submitted that considering the said fact, the applicant may not be released on bail.

7. I have perused the charge-sheet. It appears that the applicant and the victim had stayed together for about two months. The applicant is in jail for more than one and half years and the trial has not commenced. Considering the over all facts and circumstances of the case, 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. 389 of 2023 registered at Karveer Police Station, District : Kolhapur for the offences punishable under Sections 363, 366(A), 354, 376(n), 506, r/w Section 34 of the Indian Penal Code and Sections 4, 5(l), 6, 8 & 12 of the POCSO Act, 2012 and Section 67(B)(b) of the Information Technology Act, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Kolhapur District except to attend the dates before the trial Court;
- (iv) The applicant shall not contact the victim;
- (v) It would be open to the prosecution to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions;
- (vi) Application stands disposed of accordingly.

(N. R. BORKAR, J.)