

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

CRIMINAL BAIL APPLICATION NO. 4242 OF 2024

Rahul Bhikaji Tambe	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms. Indu Varma, Advocate for the Applicant through V.C.

Ms. Komal Sinha, Advocate for the Respondent No.2.

Mr. S. S. Chaudhary, A.P.P. for the Respondent No.1 – State.

API Shabnam Mujwar, Devrukh Police Station, Ratnagiri, present.

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CORAM : N. R. BORKAR, J.

DATE : 15th APRIL, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.7 of 2024 registered at Devrukh Police Station, District : Ratnagiri for the offences punishable under Sections 363, 376(2)(J), 376(3) of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant and the victim got acquainted with each other through Instagram and they decided to marry. It is

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alleged that on the date of incident which took place on 21.01.2024, there was a naming ceremony of the niece of the applicant. He thus invited the victim to his house at Devgad. It is alleged that, while the victim was at the house of the applicant, he took her to one isolated room and committed forcible sexual intercourse with her.

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

5. The learned counsel for the applicant submits that there was a love affair between the applicant and the victim and they were going to marry. It is submitted that the applicant is in jail for about one year and two months and except framing of charge, there is no progress in the trial.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State and the learned counsel for Respondent No.2 submit that at the relevant time the victim was hardly 15 years and 6 months old. It is submitted that the victim was subjected to forcible sexual intercourse. It is submitted that considering the nature of offence, the applicant

may not be released on bail.

7. I have perused the statements of victim recorded under Sections 161 and 164 of Cr.P.C. The alleged act of sexual intercourse appears to be consensual. The applicant is in jail for one year and two months. Considering the overall 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.7 of 2024 registered at Devrukh Police Station, District : Ratnagiri for the offences punishable under Sections 363, 376(2)(J), 376(3) of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 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 Taluka Sangmeshwar till conclusion of trial.
- (iv) The applicant shall not contact the victim.
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)