

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

CRIMINAL BAIL APPLICATION NO. 5364 OF 2024

Milankumar Ravjibhai Parmar	...Applicant
Versus	
The State of Maharashtra And Anr.	...Respondents

....

Mr. Rahul Khot, Advocate for the Applicant.

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

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

....

CORAM	:	N. R. BORKAR, J.
DATE	:	20th MARCH, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 262 of 2024 registered at Gandhinagar Police Station, District : Kolhapur for the offences punishable under Sections 363, 376(3) of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. According to the prosecution, though the applicant was aware that the victim is minor he made her to elope with him and committed 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 the learned counsel for the Respondent No.2-Victim.

5. The learned counsel for the applicant submits that the victim and the applicant were in love relationship. It is submitted that in a statement recorded under Section 164 of the Cr.P.C., there are no allegations of penetrative sexual assault. It is submitted that the applicant is in jail for eight months and the trial is still at the stage of framing of charge.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State and the learned counsel for respondent No.2-victim submit that at the relevant time victim was aged about 13 years only. It is submitted that, considering the age of the victim, the applicant may not be released on bail.

7. I have perused the statements of the victim. It appears that the victim and the applicant were in love relationship. In the statement recorded under Section 164 of Cr.P.C., there are no allegations of penetrative sexual assault. In that view of the matter, 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. 262 of 2024 registered at Gandhinagar Police Station, District : Kolhapur for the offences punishable under Sections 363, 376(3) of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not contact the victim.
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)