

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2677 OF 2024

Aniket Sachin Madekar

.....Applicant

Vs.

State of Maharashtra and Ors

.....Respondents

Ms. Ahilya Nalawade for the applicant

Ms. Priyanka Rane APP for the State

Mr. Ram K. Goplani for respondent no. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER 2025

P.C.:

1. By this application, applicant is seeking regular bail in C.R. No. 174/2023 registered with Kurlap Police Station, District Sangli for offences punishable under Sections 376, 376(2)(n) of Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012, under Sections 3(1)(w)(i), 3(w)(ii), 3(2), 3(V) 3(1)(r) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 7(1)(d) of Protection of

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.09.04
19:30:54
+0530

Civil Rights Act, 1955.

2. It is the prosecution's case that during period 2021-2023, applicant sexually assaulted the victim on the promise of marriage. Due to sexual assault, victim got pregnant and delivered child. At the time of incident, victim was around 16 years old.

3. It is the contention of learned counsel for applicant that there was love affair between victim and appellant. At the time of first sexual assault, appellant was 17 years old. Applicant is behind the bar for more than 1 year and 8 months. It may take time to conclude the trial. Applicant's father has filed undertaking stating that applicant is ready to marry with the victim. Hence, requested to allow the application.

4. It is the contention of learned APP alongwith respondent no. 2 that applicant sexually assaulted the victim on various occasions under the promise of marriage. Applicant was aware that the victim was minor. In spite of that he sexually assaulted her. Victim has delivered a child. If applicant is released on bail, he may abscond, threaten prosecution witnesses and requested

to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record. At the time of incident, victim was more than 16 years old whereas applicant as per the defence, was around 17 years old. Now the applicant is 19 years old. Applicant is behind the bar for more than 1 year and 8 months. It may take time to conclude the trial. If applicant remains behind the bar, his educational life will be ruined. Investigation is completed and charge-sheet has been filed.

6. Considering these facts, further detention of applicant is not required and I pass following order :

ORDER

I. Application is allowed.

II. Applicant be enlarged on bail in C.R. No. 174/2023 registered with Kurlap Police Station, District Sangli on executing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

III. Applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

IV. Applicant shall attend the Trial Court dates, regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]