

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

CRIMINAL BAIL APPLICATION NO.1837 OF 2025

Santosh Gautam Sabale ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Abhishek Ingale a/w Mr. Mr. Umesh Mankapure, a/w Adv. P. A. Deshmukh, Adv. S.F. Magdum, Mr. Om Mangave, Mr. Parth Pitambare, Mr. Satyam Surana i/by Rati Sinhasane for Applicant.

Mr. Sachin K. Hande a/w Mr. Sunil Mhalungekar a/w Mr. Deepak Patil i/by Mr. Sachin K. Hande for the Complainant/Respondent No.2.

Dr. Ashivini A. Takalkar, APP for the Respondent No.1 – State.

API Birappa Lature, Jath Police Station, Dist.Sangli, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th AUGUST 2025

P.C.

1. By this application, Applicant is seeking regular bail in Crime No.68 of 2025 registered with Jath Police Station, Dist. Sangli, for offences punishable under Sections 137(2), 64(2)(i), 64(2)(m), 115(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12, 17 & 21 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”) and under Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006.

2. It is prosecution's case that the victim was minor. In spite of that her mother, father and relatives performed her marriage with the applicant and applicant sexually assaulted her when he was aware that she is minor.

3. It is contention of learned counsel for applicant that mother, who is first informant and father of the victim and other relatives performed marriage of victim with applicant. Applicant was not aware about the age of victim at the time of marriage. Thereafter victim left the house of the applicant. Applicant had physical relationship with the victim as she was his wife. Applicant is behind bar for more than eight months. Hence, requested to allow the application.

4. It is contention of the learned A.P.P that applicant was aware about the age of victim at the time of marriage. In spite of that he performed marriage and sexually assaulted her. Hence, requested to reject application.

5. It is contention of learned counsel for Respondent No.2 that the victim has no objection to allow the bail application. Now she has become major.

6. I have heard all learned counsels, perused the FIR and documents produced on record.

7. As per prosecution's case, applicant had married with the victim and it was performed by her parents and her relatives. It is prosecution's case that applicant was aware about the age of the victim, who was 17 years old. In spite of that he sexually assaulted her. It is applicant's case that he was not aware that the victim was minor. Whether applicant was aware about the age of victim or not is part of trial. Applicant is behind bar for more than eight months. Investigation is completed, charge-sheet has been filed. Considering these facts, I pass the following order :

ORDER

- i. Application is allowed.
 - ii. Applicant be enlarged on bail in Crime No.68 of 2025 registered with Jath Police Station, Dist. Sangli on executing PR.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - iii. The applicant shall attend Trial Court regularly on the date of hearing of the case.
8. The application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)