

Harish

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

CRIMINAL BAIL APPLICATION NO.2552 OF 2025

HARISH
VITHAL
CHAUDHARI

Akshay Rajendra ChavanApplicant
Vs.
State Of Maharashtra And AnrRespondents

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Mr. Rajaram R. Bansode a/w Mohan M. Chavan for the
Applicant.
Ms. Ashwini Acharya for Respondent No. 2 (thr. V. C.).
Ms. Veera Shinde APP for the Respondent State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C.R.No. 63 of 2023 registered with Dahiwadi Police Station, Dist-Satara, for the offences punishable under Section 376, 376(2)(N), 313, 506 r/w Section 34 of the Indian Penal Code, 1860 and offences under Sections 4 and 6 of Protection of Child from Sexual Offences Act, 2012.

2. It is prosecution's case that the applicant and co-accused kidnapped the victim and the applicant forcefully married with victim with the help of co-accused. After marriage the applicant

sexually assaulted the victim. Due to sexual assault, the victim got pregnant. Thereafter applicant and co-accused forcefully feeded contraceptive pills to the victim and aborted her pregnancy. At the time of incident, the victim was 17 years, 4 months.

3. It is the contention of the learned counsel for the applicant that at the time of incident the applicant was of 21 years old and the victim was more than 17 years old. There was marriage between the applicant and victim with the consent of the parents of the victim. They stayed in the same village with consent of the parents of the victim. The applicant is behind bar more than two years. There is no progress in the trial. Hence, requested to allow the application.

4. It is the contention of learned APP and the learned counsel for Respondent No. 2 that at the time of incident, the victim was minor. The applicant and co-accused was aware about the age of the victim. In spite of that the applicant kidnapped the victim on his motorcycle and forcefully married with her with the help of co-accused. Thereafter, he sexually assaulted her. Due to sexual assault, the victim got pregnant.

The applicant and co-accused feeded contraceptive pills to her and aborted her pregnancy. If the applicant released on bail he may threaten the prosecution witnesses and victim. Hence, requested to reject the application.

5. I have heard all the learned counsel. Perused the FIR, and documents produced on record. At the time of incident, the victim was more than 17 years old and the applicant was 21 years old. It is the contention of the applicant that he married with the victim with the consent of parents of the victim. There is no progress in the trial. It may take time to conclude the trial. Considering the age of the applicant and victim as well as the applicant his behind bar more than 2 years, further detention of the applicant is not required.

6. In view of above, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail in C.R.No. 63 of 2023 registered with Dahiwadi Police Station, Dist-Satara, on executing P. R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the trial court proceeding regularly.

(iv) The applicant shall attend the police concerned police station as and when required.

(v) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

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.]