

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 931 OF 2024

Chetan R. Gaikwad ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Mr. Shubham Wadne a/w. Mr. Shantanu Kolhe i/b Mr. Ganesh Mane
and Mr. Nitin Gaware Patil for the Applicant.
Mr. T. G. Khan, APP for the Respondent/State.
Ms Kanchan T. Pawar, Appointed Advocate for the
Respondent/Victim.

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CORAM : N.R. BORKAR, J.
DATE : 13.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.15 of 2021 registered at Shikrapur Police Station, Pune Rural for the offences punishable under Sections 376(i)(n) and 504 of the Indian Penal Code and Sections 4,8 and 12 of the Protection of Children from Sexual Offences Act.
3. According to the prosecution, the applicant on some false pretext told her to accompany him to the place behind the house of the victim and there committed forcible sexual intercourse with her.
4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned appointed advocate for the respondent No.2/victim.
5. Learned counsel for the applicant submits that the victim

and the applicant were in love relationship. It is submitted that the alleged act was consensual. It is further submitted that the applicant is in jail for four years and the trial has not commenced.

6. On the other hand, learned APP for the respondent/State and the learned appointed advocate for the respondent No.2/victim submit that on the date of alleged incident, the victim was aged about 13 years. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The fact that the applicant is in jail for four years and the trial has not commenced is not disputed. *Prima-facie*, the alleged act appears to be consensual. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 15 of 2021 registered at Shikrapur Police Station, Pune Rural for the offences punishable under Sections 376(i)(n) and 504 of the Indian Penal Code and Sections 4,8 and 12 of the Protection of Children from Sexual Offences Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not contact the victim.

[N.R.BORKAR, J.]