

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

BAIL APPLICATION NO. 1919 OF 2024

Akshay Santosh Loknar

...Applicant

Versus

1. The State of Maharashtra

2. XYZ

...Respondents

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Mr. Pramod G. Kathane a/w Ms. Muzayyana B. Shaikh, mr. Amol Ghurde and Mr. Moeiz Khot, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1 – State.

Ms. Gauri Velankar, Advocate for the Respondent No.2.

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CORAM : N. R. BORKAR, J.

DATE : 27th FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.117 of 2019 registered at Yeola Police Station, Yeola, District : Nashik, for offences punishable under Sections 363, 366, 376 (2) (n) of the Indian Penal Code (IPC), Section 4 of the Protection of Children from Sexual Offences Act (POCSO), and Sections 3 (1) (w) (i) (ii) and 3(2) (5) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
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-State and the learned counsel for the respondent/victim.

5. The learned counsel for the applicant submits that applicant and victim were in love relationship. It is submitted that the applicant is in jail for four years and the trial has not commenced.

6. On the other hand, the learned counsel for the Respondent No.2/Victim and the learned A.P.P. for the Respondent-State submits that at the relevant time, the victim was 15 years old only.

7. I have perused the statement of the victim. It appears that applicant and victim were in love relationship. The applicant is in jail for four years. Considering the overall facts and circumstances, 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.117 of 2019 registered at Yeola Police Station, Yeola, District : Nashik, for offences punishable under Sections 363, 366, 376 (2) (n) of the Indian Penal Code (IPC), Section 4 of the Protection of Children from Sexual Offences Act (POCSO), and

Sections 3 (1) (w) (i) (ii) and 3(2) (5) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 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) The applicant shall not enter into the limits of Taluka Shrirampur till conclusion of trial;

(v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)