

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2900 OF 2024

Yogiraj R. Waghmare

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents.

.....
Mr. Ritesh Thobde (through V.C.) a/w. Ms Ankita Rai for the
Applicant.
Mr. C.D. Mali, APP for the Respondent/State.
Mr.Sambhaji Kharatmol, Appointed Advocate for Respondent No.2.
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CORAM : N.R. BORKAR, J.
DATE : 26.02.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.868 of 2022 registered at Pandharpur City Police Station, Dist. Solapur for the offences punishable under Sections 363, 376, 376(3), 354-A (1) (iii) & 506 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 and victim got acquainted with each other through Instagram. It is alleged that on 14.12.2022, the applicant had made the victim to elope with him though he was aware that she is minor and took her to

Kolhapur. It is alleged that the applicant on the pretext of taking rest, he took her to one Lodge and committed sexual intercourse with her.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State and the learned counsel for the respondent No.2.

5. Learned counsel for the applicant submits that the applicant is a medical student. It is submitted that the applicant is in jail for more than 2 years and the trial has not commenced. It is submitted that considering the overall facts and circumstances the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State and the learned counsel for respondent No.2 submit that at the relevant time, 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. *Prima facie*, the alleged act appears to be consensual. The applicant is in jail for more than two years, and the trial has not yet commenced. In that view of the matter, 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. 868 of 2022 registered at Pandharpur City Police Station, Dist. Solapur for the offences punishable under Sections 363, 376, 376(3), 354-A (1)(iii) & 506 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.

[N.R.BORKAR, J.]