

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

CRIMINAL BAIL APPLICATION NO. 4636 OF 2024

Premnath Narshing Katkar ...Applicant

VERSUS

The State of Maharashtra and Anr. ...Respondents

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Mr. Premkumar Mishra a/w Adv. V. Gade, Mr. Rizwan Ahmed,
and Mr. Deepak Kasabe, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 05.05.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 83 of 2016 registered at Shivajinagar Police Station, Dist- Pune for the offences punishable under Section 376 of the Indian Penal Code and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. The applicant was residing in the neighborhood of the victim. They were in a love relationship. According to the prosecution the applicant forcibly committed sexual intercourse with the victim multiple times on the pretext of marrying her. It is alleged that victim got pregnant and when she disclosed about her pregnancy to the applicant,

he started avoiding her.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for seven years and six months and except framing of charge there is no progress in the trial. It is submitted that the alleged physical relationship was consensual.

6. On the other hand, the learned APP for the Respondent/State submits that at the relevant time the victim was 17 years old. The learned APP submits that the trial could not proceed because the victim got married and shifted to the state of Karnataka. It is submitted that considering the nature of crime the applicant may not be released on bail.

7. The fact that the applicant is in jail for seven years and six months is not disputed. Admittedly, the applicant and the victim were in love relationship. Considering the overall facts and circumstances of the case, 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
Crime No. 83 of 2016 registered at

Shivajinagar Police Station, Dist- Pune for the offences punishable under Sections 376 of the Indian Penal Code and under Section 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).

C] The trial Court shall release the applicant on execution of P.R Bond in the sum of Rs.25000/-(Rupees Twenty Five Thousand).

D] The applicant shall furnish surety within a period of one month from the date of his release.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)