

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4783 OF 2024

Shivaj Dilip Kamble
V/s.

...Applicant

State of Maharashtra & Anr.

...Respondents.

.....
Mr. Hrishikesh Shinde for the Applicant.

Mrs. Anamika Malhotra, APP for the Respondent/State.

Ms Kanchan Pawar, Appointed Advocate for the Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 10.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.157 of 2024 registered at Malegaon Police Station, Pune for the offences punishable under Sections 363, 366(A), 376(2)(N), 506, 420, 465, 468, 471 of the Indian Penal Code and Sections 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. According to the prosecution, though the applicant was aware that the victim is minor, he made her to elope with him and 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 counsel for the respondent No.2.

5. Learned counsel for the applicant submits that there was love affair between the present applicant and the victim. It is submitted that the alleged act was consensual.

6. On the other hand, learned APP for the respondent/State and the learned appointed counsel for respondent No.2 submit that at the relevant time, the victim was aged about 17 years and 2 months. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of victim. *Prima facie*, the alleged act appears to be consensual. 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. 157 of 2024 registered at Malegaon Police Station, Pune for the offences punishable under Sections 363, 366(A), 376(2)(N), 506, 420, 465, 468, 471 of the Indian Penal Code and Sections 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012 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.]