

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

CRIMINAL BAIL APPLICATION NO. 5310 OF 2024

Shahidas Vitthal Kale

...Applicant

VERSUS

The State of Maharashtra and Anr.

...Respondents

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Mr. Satyam H. Nimbalkar i/b Vaibhav More a/w Mr. Shivam H. Nimbalkar a/w Mr. Abhishek Arote, Advocate for the Applicant.

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

Ms. Megha Pathak i/b Swapna Kode, Advocate for Complainant.

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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. 222 of 2024 registered at Lonavala Rural Police Station, Dist-Pune for the offences punishable under Sections 65(1), 137(2) & 351(3) of the Bhartiya Nyaya Sanhit, under Sections 4, 8 & 12 of Protection of Children from Sexual Offences Act (POCSO) and under Sections 3(1)(w)(i), 3(2)(v), 3(2)(va), 3(1)(R)(S), 4(1) & 1(S) of Prevention of Atrocities Act.
3. According to the prosecution on the date of incident,

which took place on 06.07.2024, the applicant had forcible made the victim to sit on his motorcycle and took her to his house and committed forcible intercourse with her.

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

5. The learned counsel for the applicant submits that, the version of the victim is inherently improbable. It is submitted that there is no other evidence to corroborate the version of the victim.

6. On the other hand, the learned APP for the Respondent-State submits that the applicant is involved in the serious offence of penetrative sexual assault. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. Learned counsel for the Respondent No.2/victim submits that the victim has no objection if the present applicant is released on bail.

8. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant. 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. 222 of 2024 registered at Lonavala Rural Police Station, Dist - Pune for the offences punishable under Sections 65(1), 137(2) & 351(3) of the Bhartiya Nyaya Sanhit, under Sections 4, 8 & 12 of Protection of Children from Sexual Offences Act (POCSO) and under Sections 3(1)(w)(i), 3(2)(v), 3(2)(va), 3(1)(R)(S), 4(1) & 1(S) of Prevention of Atrocities 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.

9. Application stands disposed of accordingly.

(N. R. BORKAR, J.)