

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5384 OF 2024

Lakhan M. Hawale

...Applicant

V/s.

State of Maharashtra & Anr.

...Respondents.

.....
Mr. Satyavrat Joshi (through VC) i/b Ms Reena Prajapati for the Applicant.

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

Mr. Vaibhav R. Gargade for the Respondent No.2/Complainant

.....
CORAM : N.R. BORKAR, J.
DATE : 07.05.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 154 of 2024 registered at Sinhgad Road Police Station, Pune city for the offences punishable under Sections 376 and 354-A of the Indian Penal Code and Sections 3,4, 7 and 8 of the Protection of Children from Sexual Offence Act (POCSO Act).
3. The applicant and the victim were in love relationship. According to the prosecution, on date of incident which took place on 12.2.2024, the applicant made the victim to accompany him and took her to his friend's flat at Wadgaon. It is alleged that there he committed forcible sexual intercourse on the pretext of marrying her.

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

5. Learned counsel for the applicant submits that the applicant and the victim were in love relationship and the alleged act was consensual. It is submitted that the applicant is in jail for more than 1 year and the trial has not commenced. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the victim was minor. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. Learned counsel for the respondent No.2/complainant submits that the respondent No.2/complainant has no objection, if the applicant is released on bail and has tendered affidavit to that effect.

8. I have perused the statement of victim. *Prima facie*, the alleged act appears to be consensual. The applicant is in jail for more than 1 year and the trial has not commenced. Considering the overall facts and circumstances, 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. 154 of 2024 registered at Sinhgad Road Police Station, Pune city for the offences punishable under Sections 376 and 354-A of the Indian Penal Code and Sections 3, 4, 7 & 8 of the Protection of Children from Sexual Offence Act (POCSO 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.]