

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 456 OF 2025

Akshay S. Shivthare ...Applicant
V/s.
State of Maharashtra & Anr. ...Respondents.

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Mr. Kuldeep U. Nikam for the Applicant.
Mrs. P.S. Rane, APP for the Respondent/State.
Ms Shivani Kondekar, Appointed Advocate for the Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 13.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.303 of 2024 registered at Bhuinj Police Station, Satara for the offences punishable under Sections 376(2)(f), 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from the Sexual Offences Act.
3. The applicant is the son of maternal aunt of the victim. According to the prosecution, though the applicant was aware that the victim is minor, he threatened her and committed forcible sexual intercourse with her, while she was staying at his house during school holidays.
4. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and so also the learned appointed advocate for the respondent/victim.
5. Learned counsel for the applicant submits that the alleged

act was consensual and thus before the Sessions Court, the victim has stated that she has no objection if the applicant is released on bail. It is submitted that considering the facts and circumstances of the case, the applicant be released on bail.

6. On the other hand, learned APP for the respondent/State and the learned appointed advocate for the respondent/victim submit that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the order of the Sessions Court. It appears that statement was made before the Sessions Court that the victim has no objection if the applicant is released on bail. The applicant is in jail for about 6 months. 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 C.R. No.303 of 2024 registered at Bhujin Police Station, Satara for the offences punishable under Sections 376(2)(f), 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from the 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.]