

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1060 OF 2025

Dinesh D. Chavan ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Ms Vilasini Balasubramanian a/w. Mr. Pratik Deshmukh i/b Adv. Lalit Waghmare for the Applicant.
Mr. T.G. Khan, APP for the Respondent/State.
Ms Kanchan Pawar, Appointed Advocate for Respondent No.2.
PSI Anita Dugonkar, Dehuroad Police Station.

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CORAM : N.R. BORKAR, J.
DATE : 08.05.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 579 of 2023 registered at Dehu Road Police Station, Pimpri-Chinchwad for the offences punishable under Sections 376 and 363 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO Act) .
3. The applicant and the victim were in love relationship. It is alleged that though the applicant was aware that the victim was minor, he made her to elope with him and took her to Borivali. It is alleged that at Borivali they stayed at the house of applicant's friend. It is alleged that there the present applicant committed forcible sexual intercourse with the victim.

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

5. Learned counsel for the applicant submits that the alleged act was consensual. It is submitted that the applicant is in jail for about 1 year and 7 months and the trial has not commenced.

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 16 years. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the statement of victim. The victim has stated that she voluntarily eloped with the applicant. During the medical examination, she has stated that the alleged sexual intercourse was consensual. The applicant is in jail for about 1 year and 7 months and the trial has not commenced. Considering the said facts, 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. 579 of 2023 registered at Dehu Road Police Station, Pimpri-Chinchwad for the offences punishable under Sections 376

and 363 of the Indian Penal Code and Sections 4 and 6 of the 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.

C] The applicant shall not contact the victim.

[N.R.BORKAR, J.]