IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 833 OF 2026

Suraj Maruti Kamble … Applicant

Versus

The State Of Maharashtra And Ors. … Respondent

Mr. Rahul P. Kasbekar a/w. Mr. Shridhar Aarekar for the Applicant.
Mr. C.D. Mali, A.P.P. for the Respondent Nos.1 & 2-State.
Mr. Altaf M. Peerzade, Appointed Advocate for the Respondent No.3.
Officer : ASI Mr. Vikas L. Jadhav, Karvir Police Station, Kolhapur, present.

Coram : SHAILESH P. BRAHME, J.

Date : 5th November 2026.

PER COURT :

1. Heard learned counsel for the parties.

2. The Applicant is seeking regular bail in connection with Crime No. 152 of 2026, dated 17th March 2026, registered with Karvir Police Station, District Kolhapur, for the offences punishable under Sections 64(2)(i), 64(2)(m), 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023 [BNS] and Sections 4, 6, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 [POCSO].

3. The Applicant is behind bars since 17th March 2026. The Charge-sheet is filed on 15th May 2026.

4. It is reported to the police by the Respondent No.3 (mother of the victim) that, the victim was found to be pregnant in November 2025. On inquiry, it was disclosed by the victim that she was having an affair with the Applicant for the last two years and that they were in a relationship. The Applicant is alleged to have committed sexual intercourse with the victim in or about September/October 2024 in a lodge for the first time. Thereafter, there were repeated episodes of sexual contact. The Applicant took the victim with him, and she stayed with him from 15th November 2025. At that time, she was pregnant.

5. On 21st February 2026, the informant had been to the place of Applicant. The victim is alleged to have reported harassment, torture and the addiction of the Applicant. The victim was taken back to her parental home, and thereafter, she delivered a baby girl.

6. During the course of the hearing, it was informed that Respondent No.3 and her husband were unable to maintain the victim and her baby. The baby was required to be given to Shishu Aadhar Kendra, Kolhapur. Even today, the custody of the baby is with the orphanage, and the baby is seven months old.

7. The matter was heard on 29th October 2026 and yesterday also. The parents of the Applicant as well as Respondent No.3 and the victim were present. On their instructions, the respective learned counsel made submissions before the Court.

8. The learned counsel for the Applicant showed readiness to marry the victim after she attains the age of majority. However, the victim, who was present before the Court, refused to marry and cohabit with the Applicant due to his misconduct.

9. The learned counsel for the Applicant, besides making submissions on merits, submitted that the Applicant is ready to deposit ₹70,000/- either before this Court or with the orphanage so as to meet the expenses of the baby girl. The learned A.P.P. and the learned counsel for Respondent No.3 countered the submissions. In the alternative, it was submitted that the amount may be enhanced.

10. The learned counsel for the Applicant submitted that, at the relevant time, the age of the victim was 17.4 years, which is of an understandable age. They had a love affair, and the sexual relations were consensual. It is submitted that no force was exerted by the Applicant. The Applicant has also shown readiness to marry the victim, but she refused it.

11. Per contra, the learned A.P.P. and the learned counsel for Respondent

No.3 submitted that the consent of the victim is immaterial, as she is a minor. The Applicant is involved in a serious offence. The incriminating material is available against him. He has not only exploited the feeble victim but thereafter abused and harassed her.

12. The learned A.P.P. has tendered on record the report dated 3rd November 2026 issued by Bal Kalyan Samiti, Kolhapur, indicating that the newly born baby is with the Shishu Aadhar Kendra, Kolhapur [Committee/orphanage] and is yet to be given in adoption to suitable parents.

13. I have considered the rival submissions of the parties.

14. The First Information Report shows that the Applicant and Respondent No.1 had first sexual encounter in September/October 2024, and the episodes are repeated thereafter. For more than two years, they were in a relationship. The age of the victim was 17.4 years at the relevant time, which is an understandable age.

15. I have gone through the statements recorded under Sections 181 as well as 183 of the Criminal Procedure Code. The consensual relations between the parties are apparent. The victim is still a minor, and the further consequences can be dealt with in the full-fledged trial.

16. I find that the consensual relationship and the age of the victim are mitigating factors, for which further incarceration is not required. No antecedents are reported against the Applicant. The Applicant has shown his readiness to deposit ₹70,000/- so as to meet the expenses of the baby girl.

17. Considering the material against the Applicant, I found that the Applicant deserves protection. Hence, I pass the following order:

O R D E R

(I) Bail Application is allowed.

(II) Applicant - Suraj Maruti Kamble shall be released on bail in Crime No. 152 of 2026, dated 17th March 2026, registered with Karvir Police Station, District Kolhapur, for the offences punishable under Sections 64(2)(i), 64(2)(m), 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023 [BNS] and Sections 4, 6, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 [POCSO], on furnishing P.R. bond of ₹30,000/- with one or more solvent sureties in the like amount, on the following conditions:

(a) The Applicant shall deposit ₹70,000/-, as volunteered by him, with Shishu Aadhar Kendra, Kolhapur, within a period of one week from today, in the following account.

Name of Account Holder : M/s Mahila Jeevan Samvardhak
Mandal Maze Maher Trust
Bank/Branch : Union Bank of India, Laxmipuri, Kolhapur
Account No. : 321402010114738
IFSC CODE : UBIN0532142

(b) The Applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(c) The Applicant shall inform his whereabouts and contact numbers to the Investigating Officer.

(d) The Applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(e) The Applicant shall co-operate in the expeditious disposal of the trial.

18. The Bail Application is disposed of in aforesaid terms.

[SHAILESH P. BRAHME, J.]

OMKAR SHIVAHAR KUMBHAKARN

Digitally signed by OMKAR SHIVAHAR KUMBHAKARN
Date: 2026.11.05 15:02:57 +0530