

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.916 OF 2024
WITH
INTERIM APPLICATION NO.3812 OF 2024**

Rohit Ramesh ThoratAppellant
Vs.
The State Of Maharashtra & Anr.Respondents

Mr. Shailesh Chavan with Mr. Sujit Nikam, for the Appellant.
Mr. Nitin N. Nikam, for Respondent No.2.
Mr. P. M. Mane, Dhebewadi, Police Station,
Mr. Nitin B. Patil, APP, for the Respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 17th FEBRUARY 2026

PC.:-

1. The Appellant has preferred the present Appeal challenging the conviction.
2. The Appellant has filed the present Application, as the Appellant has been convicted for the offences punishable under Sections 363, 366A, 376, 376(2)(n), 376(3), and 403 of the Indian Penal Code, as well as under Sections 4, 5(1), and 6 of the POCSO Act. The Appellant was sentenced to rigorous imprisonment from 4 years to 20 years under different provisions of the IPC and POCSO

Act along with fines. The trial Court directed that all sentences shall run concurrently and further ordered compensation fo Rs.50,000/- to the victim from the fine amount.

3. It is the case of the prosecution that the victim is of 15 years and 5 months of age. The Accused kidnapped her took her in a lodge and he had sexual intercourse with her without her consent. Thereafter, police apprehended the Accused and he was released on bail.

4. The learned counsel appearing for the Appellant submitted that during the course of the trial, the Appellant was on bail. It is contended that the Appellant and the victim were known to each other and were in a love relationship. On the said date, the victim voluntarily accompanied the Appellant, and with her consent, they stayed in a lodge. It is further submitted that as per the medical report, there is no evidence of sexual intercourse, and therefore the offence punishable under Section 376 of the Indian Penal Code is not made out. The C.A. report also supports the defence version. The evidence of the victim itself shows that she was having a love affair with the Appellant and that she willingly went with him and stayed with him. Hence, no case is made out against the Appellant. It is

further submitted that the Appellant has been in jail for the last one year and ten months. Therefore, it is prayed that the Appellant be released on bail and suspended the sentence.

5. The learned counsel appearing for the Respondent/victim opposed the Application stating that the Appellant is a married person. He is having one son there is no question of having love affair between the Appellant and victim both of them and the medical report shows that there were bite marks on her shoulder and breast. The medical report proves that there was sexual relation between both of them. The Trial Court has observed that the victim is 15 years and 5 months of age. He took her in a lodge and had sexual relation with her. He sexually abused her by pretending that he is having love affair with her. He is married person. Therefore, prayed to reject the Application.

6. Heard the learned counsel for both the parties.

7. After going through the evidence of the victim, it appears that the victim, who was aged about 15 years, had an infatuation with the accused and used to chat with him. She used to chat with him on mobile WhatsApp and used to meet him whenever he called her.

When they fled away, she accompanied carrying her clothes with her. She knowingly went with him; however, considering the age of the victim, who was about 15 years and 7 months old, she was not mature enough to understand the difference between love and lust. The Applicant took her to satisfy the lust and pretended that he loves her. The minor girl was a child who was not aware about the sexual relations. She went with him they stayed together. She has narrated what happened in the lodge and the medical report shows that they had sexual relations. Considering the age of the victim, and the fact that the Appellant who is a married person having one son knowingly took her and satisfied his lust, this is not a fit case for granting bail and to suspend the sentence. Hence, the Application is **rejected**.

(MRS. VRUSHALI V. JOSHI, J.)