IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3628 OF 2025

Popat Vitthal Chormale .....Applicant

Vs.

The State Of Maharashatra .....Respondents

Mr. Abhijeet Pramod Chabukswar with Mr. Rakesh Madhukar Shinde, for the Applicant.
Mr. Saiprasad S. Patil, learned counsel appearing for Respondent No.2
Mr. Chandrakant Mali, APP, for the Respondent-State.
Mr. S. A. Kavde, PSI, Shiroli MIDC, Police Station, Kolhapur.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 4th FEBRUARY 2026

P.C.:-

1. The present Bail Application is filed by the Applicant, who has been arrested in C.R. No. 44/2025 registered with Shrioli MIDC Police Station, Kolhapur, for the offenses punishable under Sections 137(2), 87, 64(1) and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023; Sections 4(1), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012; and Section 9 of the Prohibition of Child Marriage Act, 2006.

2. The Applicant and the victim were known to each other and

were neighbours. Allegations are made against the Applicant that he had physical relations with the victim. It is the case of the prosecution that after the victim went missing, a missing report was lodged by her relatives. Thereafter, the victim was found in the company of the Applicant. On her statement alleging marriage with the Applicant, an offense under the Prohibition of Child Marriage Act, 2006 was also registered.

3. The learned counsel appearing for the Applicant submits that all other co-accused have already been released on bail. It is contended that the incident arose out of a love affair and that the Applicant had performed marriage with the victim. It is further submitted that in her statement recorded under Section 183 of the BNSS, the victim has not made any allegation against the Applicant and has stated that she has no grievance against him and that the relationship was consensual. It is submitted that the offence came to be registered only on account of the marriage, and that the victim was at the verge of attaining majority at the relevant time. On these grounds, a prayer is made to release the Applicant on bail.

4. *Per contra,* the learned APP opposes the Application and

submits that in her earlier statement the victim had alleged that the Applicant had physical relations with her despite knowing that she was a minor. It is further submitted that the victim has since married another person after attaining majority. Considering the age of the victim at the relevant time and the nature of the allegations, the learned APP prays for rejection of the Application.

5. The learned counsel appearing for Respondent No.2 submits that the victim has since married another person and has no grievance against the present Applicant. It is further submitted that the victim has not alleged that any physical relationship was established by force. On these grounds, a prayer is made to pass an appropriate order.

5. Heard Mr. Abhijeet Pramod Chabukswar, learned counsel appearing for the Applicant; Mr. Saiprasad S. Patil, learned counsel appearing for Respondent No.2; and Mr. Chandrakant Mali, learned APP, appearing on behalf of the Respondent-State.

6. On perusal of the statement of the victim, it appears that the relationship between the Applicant and the victim arose out of a love

affair and that they had physical relations. Though the consent of the victim, being a minor at the relevant time, is not legally material, it is noted that she was at the verge of attaining majority. It is further noted that the victim had performed marriage and that she has since married another person after attaining majority and has stated that she has no grievance against the present Applicant. In the facts and circumstances of the case, further incarceration of the Applicant is not warranted. Hence, the following order:

ORDER

(i) The Application is **allowed.**

ii) The Applicant shall not enter the area where the victim resides.

iii) The applicant, namely, **Popat Vitthal Chormale** shall furnish personal bond of Rs.25,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

iv) The Applicant shall attend the concerned Police Station in a week on Thursday in between at 11.00 a.m. to 12.00 p.m.

v) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

vi) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

vii) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

viii) The applicant shall not leave the territory of Wangdari Tal. Shrigonda Dist- Ahilyanagar without prior permission of the court, till trial is over;

xi) The applicant shall maintain law and order;

x) The applicant shall, at the time of execution of the bond, furnish his residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

xi) The applicant shall surrender his passport, if any, before the Investigating Officer within a week and, if he

does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

xii) The applicant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offenses.

(MRS. VRUSHALI V. JOSHI, J.)