

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1437 OF 2025

Digambar @ Dayanand Kumar Shivpalak	...Applicant
Versus	
The State Of Maharashtra and Anr.	...Respondents

HARISH
VITHAL
CHAUDHARI

Digitally signed
by HARISH
VITHAL
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Date:
2025.10.10
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Mr. Ritesh Thobde a/w Mr. Changdev Shingade for the applicant
Mr. S. H. Yadav, APP for the State.
Ms. Vijayalaxmi H. Kamat for respondent no. 2 appointed
through Legal Aid Committee.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th OCTOBER, 2025

P.C.:

1. By this application, applicant is seeking regular bail in crime No.295 of 2024 registered with Karkamb Police Station, District-Solapur for the offences punishable under Sections 137(2), 64(1), 351(3) of Bharatiya Nyaya Sanhita and under Section 4, 6 and 8 Protection of Children from Sexual Offences Act, 2012.
2. It is the prosecution's case that the applicant kidnapped the minor daughter of the first informant and sexually assaulted

her on several occasions by threatening her that if she does not speak with him and come with him he will commit suicide. At the time of incident, the victim was 16 years old.

3. It is contention of learned counsel for the applicant that there was love affair between the applicant and victim. The victim had herself gone with the applicant. She stayed with the applicant for 20 days but she did not make hue and cry. While giving history at the time of medical examination, victim has stated that the sexual relation between the applicant and victim were consensual. The applicant is 24 years old. He has no antecedents. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is the contention of learned APP along with respondent no. 2 that the applicant used to threat the victim that if she does not speak with him, he will drink poison and commit suicide. Due to threat by the applicant, the victim kept contact with the applicant but by misusing it, he kidnapped the victim and sexually assaulted her. At the time of incident, the victim was 16 years old. The applicant was aware about the age of the victim. The applicant and victim stays in same village. If the applicant

released on bail, he may threaten the victim and prosecution witnesses.

5. I have heard both learned counsel, perused the FIR and documents produced on record.

6. At the time of incident, the victim was 16 years old. She stayed with the applicant for 20 days. During this period, she did not make hue and cry. Applicant is 24 years old. Investigation is completed and chargesheet has been filed. It may take time to conclude the trial. Considering these facts, further detention of applicant is not required and I pass following order:

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail in crime No.295 of 2024 registered with Karkamb Police Station, District-Solapur, on executing P. R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the Court dates regularly.
- (iii) The applicant shall enter in the area

where the victim stays till recording of evidence of the victim.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. As Ms. Vijayalaxmi H. Kamat is appointed through Legal Aid Committee to represent respondent no. 2, professional fees of Rs.10,000/- be paid to her.

10. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]