

Harish

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

CRIMINAL BAIL APPLICATION NO. 2114 OF 2025

Tejas Akshay Sontakke	...Applicant
Versus	
State Of Maharashtra And Anr	...Respondents

HARISH
VITHAL
CHAUDHARI

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date:
2025.10.07
11:15:02 +0530

Mr. Ritesh M. Thobde a/w Mr. Changdev Shingade and Mr. Darshansingh Rajpurohit, Advocate for the Applicant.
Mr. N. B. Patil, APP, for the Respondent - State.
Mr. Rajvardhan Sasvade, Advocate for Respondent No.2
(Through Legal Aid).

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th SEPTEMBER, 2025

P.C.:

1. Applicant is seeking regular bail in Crime No. 803 of 2024 registered with Pandharpur Taluka Police Station, District-Solapur for the offences punishable under Sections 137(2), 64(1), 74 of the Bhartiya Nyay Sanhita, 2023 and under Sections, 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
2. It is the prosecution's case that the applicant kidnapped the daughter of first informant and sexually assaulted her.

3. It is the contention of learned counsel for the applicant that at the time of incident, the applicant was 18 years and 10 months old. There was love affair between the applicant and victim. The victim herself had gone with the applicant and stayed with him for three days. During that period she did not make hue and cry. The applicant is a student. He is behind bar around 11 months. Investigation is completed. Charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP along with respondent no. 2 that at the time of incident, the victim was 14 years old. The applicant was aware about the age of the victim, inspite of that he sexually assaulted her. Earlier, the applicant was restituted from the school on the ground of misconduct with the girl. If the applicant released on bail he may threaten the victim and prosecution witnesses. Hence, requested to reject the application. Learned counsel for respondent no. 2 relied the judgments *G. Thippesha vs. State of Karnataka and Anr. [2024 SCC OnLine, Kar 12539]* and *Bishnu Kirtoniya vs. State of West Bengal [2023 SCC OnLine Cal 2330]*.

5. I have heard all the counsel. Perused the FIR, document

produced on record and the case laws cited by learned counsel for respondent no. 2.

6. At the time of incident, the applicant was 18 years and 10 months old. The applicant is a student. Investigation is completed. Charge-sheet has been filed. Applicant is behind bar around 11 months. If the applicant remains behind bar his education life will be ruined. The victim stayed with the applicant for three days but she did not make hue and cry during that period. Considering these facts, I am inclined to allow this application. I have gone through the case laws cited by the learned counsel for respondent no. 2. the facts of cited case law and the facts of present case are different. Hence, not applicable. In view of the above, I pass the following order:

ORDER

- I. The application is allowed.
- II. The applicant be enlarged on bail in Crime No. 803 of 2024 registered with Pandharpur Taluka 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.

- III. The applicant shall not 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 witnesses or any person concerned with the case.
 - V. The applicant shall attend the Trial Court dates, regularly.
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. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]