

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

CRIMINAL BAIL APPLICATION NO. 2535 OF 2025

Amol Ashok Kadam

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Amit A. Mane, Advocate for the Applicant.

Mr. S. H. Yadav, A.P.P., for the Respondent – State.

Ms. Anjana Desai, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th SEPTEMBER, 2025.

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P.C. :

1. The Applicant is seeking regular bail in C.R. No.122 of 2020 registered with Chiplun Police Station, Ratnagiri, for the offences punishable under Sections 376(2)(j) of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 3, 4, 9(n) of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO”).

2. It is prosecution’s case that in the month of October, 2019, the Applicant called the first informant in his room and sexually assaulted her on the promise of marriage. At the time of incident, the victim was around 17 years and 6 months old. When victim turned 18

years old, she asked the Applicant about the marriage, then the Applicant refused to marry her and told her that he is already married.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bar for more than five years, yet trial has not been concluded. At the time of the incident, the victim was 17 years and 6 months old. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that at the time of incident, the victim was below 18 years of age. The Applicant sexually assaulted the victim on the promise of marriage, thereafter, he refused to marry her, as he was already married. As per the provision of POCSO Act, making a false promise is also an offence. If Applicant released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. The Applicant is behind bars for around five years, yet trial has not been concluded. Out of 18 witnesses, 9 witnesses have been

examined. The Applicant has no antecedents. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- i. The application is allowed.
 - ii. The Applicant be enlarged on bail in connection with C.R. No.122 of 2020 registered with Chiplun Police Station, Ratnagiri, on furnishing P.R. Bond Rs.15,000/- with one or two sureties in the like amount.
 - iii. The Applicant shall remain present before the trial Court on each date unless exempted by the trial Court.
 - iv. The Applicant shall not contact the victim and her family members.
 - v. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
7. The application is allowed in the aforesaid terms and is accordingly disposed off.
8. The learned counsel for the Applicant and learned counsel

for Respondent No.2 are appointed through the Legal Aid. The Legal Aid shall pay their fess, as per Rules.

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

(SHIVKUMAR DIGE, J.)