

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

CRIMINAL BAIL APPLICATION NO. 2983 OF 2025

Shivam Bharat Magar

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

.....

Mr. Sachin Deokar for Applicant.

Mr. N. B. Patil, APP for the Respondent-State.

Mr. Onkar D. Bajaj, Advocate for Respondent No.2.

API Rohit Shinde, Karmala Police Station, Solapur Rural, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 26<sup>th</sup> SEPTEMBER 2025

**P.C.**

1. Applicant is apprehending arrest in Crime No.282 of 2024 registered with Karmala Police Station, Dist. Solapur for the offences punishable under Sections 376, 376(2)(n), 323, 504, 506 of the Indian Penal Code, 1860 and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. It is prosecution's case that applicant had kidnapped the minor daughter of the first informant and sexually assaulted her on the promise of marriage.

3. It is contention of learned counsel for applicant that there was love affair between the applicant and victim. The victim herself had gone with the applicant. The applicant is behind bar for more than one year and five months. Investigation is completed and charge-sheet has been filed. 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 the victim was fourteen years and six months old at the time of incident. He sexually assaulted the victim on several occasions. The applicant was aware about the age of victim. If applicant is released on bail, he may threaten the victim or prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsels, perused the FIR and documents placed on record. The applicant is behind bar for more than one year and five months. The charge is framed in the year 2024, but there is not progress in trial. The applicant is 26 years old. He has no antecedent. It may take time to conclude the trial. Considering these facts, I pass the following order.

### **ORDER**

(i) The Application is allowed;

- (ii) The applicant be enlarged on bail in Crime No. 282/2024 registered with Karmala Police Station, 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 attend the concerned police station as and when required.
  - (iv) The applicant shall not enter in the jurisdiction of Karmala Police Station till recording the evidence of the victim except attending the Court dates.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.
7. It is made clear that the above observations are made only for the purpose of granting anticipatory 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.
8. All concerned to act on the authenticated copy of this order.

**(SHIVKUMAR DIGE, J.)**