

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

CRIMINAL BAIL APPLICATION NO. 3016 OF 2025

Siddalingappa Shivalingappa Kalade Applicant

Versus

The State of Maharashtra and Anr. Respondents

Mr. Sourabh Tandale h/f Abdul Quadhir, Advocate for the Applicant.

Ms. Priyanka S. Rane, A.P.P., for the Respondent – State.

Mr. Advait Vajaratkar, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th NOVEMBER, 2025.

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P.C. :

1. By this application, the Applicant is seeking regular bail in connection with C. R. No.136 of 2025 registered with Akkalkot South City Police Station, District: Solapur, for the offences punishable under Sections 64(2)(i), 137(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 4, 8 and 12 Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”).

2. It is prosecution’s case that on 3rd March, 2-025, the

Applicant kidnapped the first informant on his motorcycle on the ground that he will drop her at her house and sexually assaulted her.

3. It is contention of learned counsel for the Applicant that there was love affair between the Applicant and victim. She was with the Applicant for 24 hours, but she did not make hue and cry. Nor mother and father of the victim lodged missing complaint. The Applicant is behind bar for more than eight months. He has no antecedent. Investigation is completed and charge-sheet has been filed. 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 fourteen years, eleven months and twenty five days old. The Applicant carried the victim on his motorcycle on the say that he will drop her house, and on that count he took her at secluded place and sexually assaulted her. The Applicant and victim staying in same village. If the Applicant is released on bail, he may threaten the victim and prosecution witnesses, hence requested to reject the application.

Learned counsel for Respondent No.2 relied on *Sheikh Adil Sheikh Harun Vs. State of Maharashtra 2023 (2) ABR (Cri) 836*.

5. I have heard all learned counsel, perused F.I.R. and

documents produced on record.

6. At the time of incident, the victim was around fifteen years old. It appears that she was with the Applicant for 24 hours, but she did not make hue and cry, and in statement recorded under Section 164 Cr.P.C., she has stated that she knew the Applicant. The Applicant is behind bar for more than eight months.. He has no antecedent. It may take time to conclude the trial.

I have gone through the case law cited by the learned counsel for Respondent No.2. The facts of the cited case and present case are different, hence it is not applicable.

7. Considering these facts, I pass following the order:

ORDER

- i. Application is allowed.
- ii. The Applicant be released on bail in connection with C. R. No.136 of 2025 registered with Akkalkot South City Police Station, District: Solapur, on furnishing P.R. Bond in the sum of Rs.25,000/- 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 village where the victim stays till recording of the victim and first informant.
 - v. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
8. The application is allowed in the aforesaid terms and is accordingly disposed off.
9. 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.
10. As Mr. Advait Vajaratkar is appointed through Legal Aid to represent for Respondent No.2, professional fess of Rs.10,000/- be paid to him.
11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)