

Harish

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

CRIMINAL BAIL APPLICATION NO. 3030 OF 2025

Samarth Raju Kamble	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Ramanik P. Powar a/w Parvej Nadaf, Rahul Gupta, Samadhan M. Mahamulkar, Shubhangi Kadam & Pankaj M. for the Applicant.
Mr. S. H. Yadav, APP for the Respondent-State.
Ms. Sonali A. Sheth for Respondent No. 2 (appointed through Legal Aid Committee).
HC, P. T. Shinde, Pandharpur Taluka Police Station.

CORAM	:	SHIVKUMAR DIGE, J.
DATE	:	13 th OCTOBER, 2025.

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P.C.

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1. By this application, applicant is seeking regular bail in crime no. 631 of 2021 registered with Pandharpur Taluka Police Station, District-Solapur for the offences punishable under Sections 363, 366(A) and 376 read with Section 34 of Indian Penal Code, 1860 and under Sections 4, 8 & 12 of 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 the contention of learned counsel for the applicant that there was love affair between the applicant and victim. The family member of the victim were aware about it. The allegation against the applicant of sexually assault at once. Applicant is behind bar more than 4 years and 2 months. Yet, charge is not framed. At the time of incident, the applicant was 21 years old. He is Karta of his family. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP along with respondent no. 2 that at the time of incident, the victim was 13 years old. The age of the victim was not marriageable. The applicant was aware about it, inspite of that he kidnapped her and sexually assaulted her. If the applicant released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the application.

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

6. Applicant is behind bar more than 4 years and 2 months. Yet,

charge is not framed. At the time of incident, the applicant was 21 years old. It may take time to conclude the trial. Considering the long incarceration of the applicant 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. 631 of 2021 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 attend the Court dates regularly.
 - IV. The applicant shall not tamper with the evidence or attempt to influence or contact the victim, 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. Sonali A. Sheth 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.)