

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

CRIMINAL BAIL APPLICATION. NO. 3406 OF 2025

Birudev Sanjay Lawate

...Applicant

Versus

The State Of Maharashtra And Others

....Respondents

Mr. Shivraj V. Patil (Shirgaonkar) a/w Mr. Pradeep N. Patil, Mr. Vijay S. Bendgude, Mr. Prithivraj P. Patil, Advocate for the Applicant
Mr. Gajanan Savgave for Respondent No.2.
Dr. A. A. Takalkar APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th OCTOBER, 2025.

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 610 of 2023 registered with Sangola Police Station, District Solapur for offences punishable under Sections 363, 366, 452, 143, 147, 149, 504, 506 and 120(B) of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that on 12th July 2025, applicant and co-accused forcefully kidnapped daughter of the first informant by entering in his house. It is alleged that the applicant

bolted the door of room from outside where the first informant and his wife were sleeping whereas co-accused forcefully lifted the minor daughter of the first informant and taken her with him.

3. It is the contention of learned counsel for applicant that the applicant has been falsely implicated in this case. The main allegations are against accused no. 1. Learned counsel further submitted that victim had given statement before the Superintendent of Police. In the said statement, she has stated that she herself had gone with accused no. 1 as she had love relations with him and thereafter, the present complaint is filed out of vendetta. Applicant is behind bar for more than 2 years. There is no progress in trial. He has no antecedents. Hence, requested to allow the application.

4. It is the contention of learned APP alongwith learned counsel for respondent no. 2 that applicant and co-accused forcibly entered in the house of the first informant and kidnapped minor daughter of the first informant. The victim retracted to her statement given before Superintendent of Police. The applicant has antecedents. The applicant and victim stays in the same locality. If the applicant is 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 F.I.R. and documents produced on record. The allegations against the applicant are that he alongwith co-accused kidnapped the minor daughter of the first informant. The statement of the victim given to the Superintendent of Police shows that she herself had gone with accused no. 1 and she was not kidnapped by the applicant and co-accused. At the time of incident, victim was more than 17 years old. Applicant is behind bar for more than 2 years. Investigation is completed and charge-sheet has been filed.

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

ORDER

- I. The Application is allowed.
- II. The Applicant be enlarged on bail in C.R. No. 610 of 2023 registered with Sangola 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 tamper with the evidence or attempt to influence or contact, first informant, the witnesses or any person concerned with the case.
- IV. 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.)

**IRESH
MASHAL**

Digitally signed by
IRESH MASHAL
Date: 2025.10.17
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