

3. It is contention of learned counsel for applicant that at the time of incident, the victim was more than 15 years and 7 months old. She herself had gone with the applicant. There was love affair between them. The applicant is behind bar for more than two years and one month. There is no progress in trial and requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the applicant was aged about 35 years old at the time of incident. He kidnapped the minor daughter of the first informant and sexually assaulted her. If applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsels, perused the FIR and documents placed on record. At the time of incident the victim was 15 years and 7 months old. The statement given to the Police, it appears that she herself willingly gone with the applicant and she had stayed with the applicant for 20 days. During that period she did not make any hue and cry. There is no progress in trial. The applicant has no antecedents. Considering these facts, I pass the following order :

ORDER

- (i) Application is allowed;
- (ii) The applicant be enlarged on bail in Crime No.338 of 2023 registered with Ichalkaranji Police Station, District Kolhapur, 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 the witnesses or any person concerned with the case.
- (iv) Applicant shall attend the Trial Court dates, regularly.

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 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. As the learned counsel for the Respondent No.2 appointed through legal-aid, professional Fees of Rs.10,000/- be paid to her.

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

(SHIVKUMAR DIGE, J.)