

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 5375 OF 2024**

Bhartesh @ Bhartesh Subhash SamgondApplicant
Vs.

The State of Maharashtra and anrRespondents

Mr. Ranjeet Patil a/w Mr. Dhavalsinh Patil, Advocate for the Applicant
Dr. A. A. Takalkar, APP, for the Respondent – State.
Ms. Priyanka S. Rane, APP, for the Respondent – State.
Mr. Aniket U. Nikam a/w Mr. Atharva R. B. Advocate for the
Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st NOVEMBER, 2025.

P.C.

1. By this application, applicant is seeking regular bail in C.R.
No. 34 of 2024 registered with Mahatma Gandhi Chowk Police
Station, Miraj, District Sangli for offences punishable under Sections
376, 376(D), 370, 366, 392, 342, 506 r/w 34 of the Indian Penal
Code.

2. It is the prosecution's case that co-accused had taken Rs. 4
Lakhs from the applicant and performed marriage of the victim. The
applicant sexually assaulted victim. At that time, she was below 18
years of age.

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3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. He had performed marriage with the victim. He was not aware about the age of the victim. The victim in her statement has stated that she had tried to tell the real story to the applicant but due to language barrier, the applicant failed to understand and when the applicant came to know about the real facts, he immediately contacted the co-accused and asked them to take back the victim. It shows that the applicant was not involved in the crime. Applicant is behind bar for more than 1 year and 8 months. Investigation is completed and charge-sheet has been filed. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP that applicant had performed marriage with the victim without verifying her whereabouts. He was in collusion with the co-accused. He sexually assaulted the victim who was a minor. If applicant is released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record. It appears from the FIR that applicant had performed marriage with the victim and thereafter, he had

physical relationship with her and when he came to know about the real story from the victim, he contacted the co-accused to take the victim back. It does not show his active involvement in the crime. Applicant is behind bar for more than 1 year and 8 months. Investigation is completed and charge-sheet has been filed. The applicant has no antecedents.

6. In view of above, I pass following order:

ORDER

I. The Application is allowed.

II. The Applicant be enlarged on bail in C.R. No. 34 of 2024 registered with Mahatma Gandhi Chowk Police Station, Miraj, District Sangli 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. 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.)