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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2154 OF 2024**

Shahul Suresh Kamble

.....Applicant

Vs.

The State of Maharashtra and anr

.....Respondents

Mr. Kedar J. Patil a/w Mr. Sachin Y. Mane, Mr. Pratik G. Tare for
the applicant

Mr. Saurabh P Tandale appointed for the victim

Mr. Anand Shalgaonkar for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th AUGUST 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C.R. No. 59 of 2023 registered with Ichalkaranji Police Station for the offences punishable under Sections 363, 376(2) (J)2(N), 354(A), 506 read with 34 of the Indian Penal Code and under Sections 4,8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that on 11th March 2023, mother of the victim had lodged a complaint of kidnapping of

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her daughter against unknown person. The victim was found at Pune to CWC member. The police recorded her statement. At that time, the victim has not stated anything against anyone, nor stated against the present applicant. Thereafter, police recorded her supplementary statement. In supplementary statement, she has stated that in January 2023, applicant called her in his house and sexually assaulted her by threatening her.

3. It is the contention of learned counsel for the applicant that applicant has been falsely implicated in this case. At the time of incident, the age of the victim was more than 16 years old. There is delay of four months in lodging the complaint. The applicant is behind the bar for more than two years, yet there is no progress in the trial and requested to allow the application.

4. It is the contention of the learned APP alongwith learned counsel for respondent no. 2 that applicant sexually assaulted the daughter of the first informant who was 16 years old at the time of incident. The applicant was friend of the uncle of the victim. Due to fear, she did not reveal about the incident to anyone. It is submitted that if applicant is released on bail, he may abscond and threaten the prosecution witnesses and the

victim and hence, requested to reject the application.

5. I have heard all learned counsels. Perused the F.I.R. and documents produced on record. It appears from the record that in the month of January 2023, offence of sexual assault was done with victim and in the month of April 2023, she had given statement to the police about the said act. There is delay of more than three months in giving the statement. No specific date is given of the alleged offence. Moreover, in earlier statement of victim recorded by the police the victim had not stated about the said act done by the applicant. The applicant is behind the bar for more than two years and yet there is no progress in the trial.

6. Considering these facts, further detention of applicant is not required and I pass following order :

ORDER

- I. The applicant be enlarged on bail in C.R. No. 59 of 2023 registered with Ichalkaranji Police Station on executing PR.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- II. The applicant shall not tamper with the evidence or attempt to influence or contact the victim, witnesses or any person concerned with the case.
- III. The applicant shall not contact the victim, her family members and prosecution witnesses.
- 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.]