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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5144 OF 2024

Santosh Balwant Kamble

.....Applicant

Vs.

The State of Maharashtra and anr

.....Respondents

Mr. Gaurav Kalekar for the applicant

Ms. P. S. Rane, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th AUGUST 2025

P.C.:

1. By this application, applicant is seeking regular bail in C.R. No. 100 of 2022 registered with Radhanagari Police Station, District Kolhapur for offences punishable under Sections 363, 376 of the Indian Penal Code and under Sections, 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that mother of the victim had lodged a complaint of kidnapping against unknown person

when she found that her daughter did not return to home of her relative. During investigation, police had recorded statement of the victim. In her statement, she stated that applicant had kidnapped her and she stayed with the applicant and during that stay, applicant sexually assaulted her twice.

3. It is the contention of learned counsel for applicant that at the time of incident, victim was more than 17 years old. She herself had gone with the applicant. Applicant is behind the bar around three years, yet there is no progress in the trial. It may take time to conclude the trial, hence, requested to allow the application.

4. It is the contention of learned APP alongwith learned counsel for respondent no. 2 that applicant was 32 years old at the time of incident. He was married, having children, inspite of that, he kidnapped the victim and sexually assaulted her. He was aware about the age of the victim. It is submitted that 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 counsel, perused F.I.R. and documents produced on record. Applicant is behind bar around three years, yet the trial has not been concluded. At the time of incident, victim was more than 16 or 17 years old. It may take time to conclude the trial.

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

ORDER

I. Application is allowed.

II. Applicant be enlarged on bail in C.R. No. 100 of 2022 registered with Radhanagari Police Station, District Kolhapur on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

III. 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.

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.]