

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

CRIMINAL BAIL APPLICATION NO. 1562 OF 2025

Popat Dhondiram Tambave Applicant

Versus

The State of Maharashtra and Anr. Respondent

Mr. Pranav Borgave a/w Mr. Pratap Dhumal, Adv. Vikas Jadhav i/b
Mr. Dhananjay Bhosale, Advocate for the Applicant.
Ms. Veera Shinde, A.P.P., for the Respondent – State.
Mr. Kedar Nhavkar, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th AUGUST, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No. 623 of 2022 registered with Sangola Police Station, Sangola, for the offences punishable under Sections, 376(3), 363 of the Indian Penal Code, 1860 (for short, “IPC”) and under Sections 4, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO”).

2. It is prosecution’s case that on 27th May 2022, the first informant, maternal aunt of the victim lodged complaint with the

police, stating that some unknown person kidnapped her niece who is minor. In investigation police found the victim and recorded her statement. In her statement, she has stated that the Applicant had kidnapped her, and she had further stated that in year 2021, the Applicant had sexually assaulted her for three to four times.

3. It is contention of learned counsel for the Applicant that there is delay of lodging the complaint about the allegations of sexual assault. There was love affair between the Applicant and victim. The victim herself had gone with the Applicant. The Applicant is behind bar for more than three years. There is no progress in trial. It may take time to conclude the 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 had kidnapped the victim and sexually assaulted her. The Applicant was aware about the age of the victim. If Applicant is released on bail, he may abscond and threaten the prosecution witnesses, and requested to reject the application.

5. I have heard all learned counsel, perused F.I.R. and documents produced on record.

6. There is delay of around six months for lodging the F.I.R. in respect of allegations of sexual assault on victim by the Applicant.

The Applicant is behind bar for more than three years and four months, yet charge has not been framed. At the time of incident, the Applicant was 28 years old. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- i. The Application is allowed.
- ii. The Applicant be released on bail in connection with Crime No. 623 of 2022 registered with Sangola Police Station, Sangola, on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- iii. The Applicant shall mark his attendance with the concerned police station as and when required.
- iv. The Applicant shall not tamper with evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
- v. The Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- vi. The Trial Court shall not be influenced by the

observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)