

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

CRIMINAL BAIL APPLN. NO. 3691 OF 2025

Krushna Sunil Yamgar

....Applicant

VERSUS

The State Of Maharashtra And Another

....Respondents

...

Mr. Prasad Kulkarni for the applicant

Dr. A. A. Takalkar APP for the State

Ms. Manisha Devkar (through VC) a/w Mr. Ruturaj Kadam for
respondent no. 2

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 161/2024 dated 17/03/2024 registered with Pandharpur City Police Station, District Solapur for offences punishable under Sections 363, 376, 376(2)(i), 376(3), 354 of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Prosecution case is, the complainant lodged report stating that she resides in a joint family with her husband, a son, two daughters, a brother-in-law, and a sister-in-law. That on 17/03/2024, while all family members were present at home, her younger daughter, a 13-year-old girl left the house without informing anyone.

Despite extensive search, the girl could not be located. She states that approximately two months prior, their family came to know about love affair between the minor daughter and one Krishna Yamgar. Upon realising that Krishna Yamgar was also missing from his residence, convinced that applicant had lured and kidnapped the daughter.

3. Following the police investigation and the recovery of both the minor and the applicant, the minor victim provided a statement to her mother in confidence. The victim narrated that on 17/03/2024, at approximately 02:00 PM, victim having noted that the applicant is leaving the neighboring house and gestured for her to follow him. Upon reaching the road, the applicant grabbed her hand, placed her in a passing rickshaw, and took her to Ambabai Patangan. From there, traveled to Solapur via an S.T. bus, purchased some clothes, and boarded a train to Tirupati around 10:00 PM.

4. Upon arriving at Tirupati, they proceeded to the Balaji Temple via bus and spent two days. The victim alleges that on the night of 19/03/2024, while they were sleeping on the platform, the applicant, Krishna Yamgar, forcibly established physical relations with her against will.

5. Thereafter, on 20/03/2024, they traveled from Tirupati to Chennai, where they spent the night at the railway station. On

21/03/2024, they returned to Solapur and subsequently reached Pandharpur by S.T. bus at midnight. Upon arrival, they went to the house of a friend of the applicant, where they were apprehended by the police and taken to the station.

6. Learned counsel for the applicant submits that the applicant is tender age boy. Investigation is complete. The victim and applicant were in consensual relationship. The victim was conscious of the same and accompanied the applicant. As such, the applicant deserves to be admitted to the bail and his further incarceration would be unjustified.

7. *Per contra* learned APP alongwith learned counsel for respondent no. 2 opposed the application submitting that the complicity of the applicant is apparent. The victim being minor, her act of accompanying and participating will have to be ignored. As such, the applicant does not deserves to be admitted to the bail.

8. Upon considering the rival submissions and perusal of material on record, *prima facie* it appears that the victim has accompanied the applicant and joined his company and travelled at various places. Investigation is complete for all intent and purpose and charge-sheet is filed.

9. Considering the age of the applicant, the reforms and rehabilitation of the under trial accused needs to be considered

especially when the age of the accused is young so that the accused gets an opportunity to reformation and rehabilitation. The fact that prosecution has cited in as much as 20 witnesses, the trial will take its own time for commencement and its conclusion, applicant deserves to be admitted to the bail. So far as the apprehension expressed by the learned APP about influencing prosecution witnesses, can be adequately taken care of by imposing stringent conditions. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Krushna Sunil Yamgar be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 161/2024 dated 17/03/2024 registered with Pandharpur City Police Station, District Solapur for offences punishable under Sections 363, 376, 376(2)(i), 376(3), 354 of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and

phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned seeking cancellation of bail.

III. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

IRESH
MASHAL

Digitally signed by
IRESH MASHAL
Date: 2026.03.09
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