

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO. 4179 OF 2025

Avinash S/o Vilas Athave

... Applicant

Versus

State Of Maharashtra And Anr

... Respondents

**NILAM
SANTOSH
KAMBLE**

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Date: 2026.02.18
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Mr.Bharat Londe, for the Applicant (Through V.C.)

Mr.P.P. Jadhav, APP for Respondent-State.

Ms.Sonali Kunekar, for Respondent No.2.

Mr.Tudhjeet Bhosale, PSI, Bharati Vidyapeeth Police Station, Pune.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th FEBRUARY 2026

P.C. :

. By this Application, the Applicant is seeking regular bail in Crime No.153 of 2025, registered with Bharati Vidyapeeth Police Station, Pune, for the offences punishable under Sections 137, 64 subsequently added Section 2(i)(m) Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 4,6 and 8 the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short) in Special Case No.625 of 2025 filed before learned Sepcial Judge, Pune.

N.S.Kamble

2. It is prosecution's case that the Applicant kidnapped the minor daughter of the First Informant and sexually assaulted her.

3. It is contention of learned counsel for the Applicant that at the time of the incident, the victim was more than 17 years old. The Applicant had love affair with victim. The victim herself went with the Applicant. The Applicant is behind bars for more than eight months. The Applicant has no antecedents. 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 was aware about the age of the victim. The victim was minor and Applicant kidnapped her and sexually assaulted her. The Applicant may possess some obscene photographs of the incident. If the Applicant released on bail, he may abscond or threaten Victim, First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. At the time of the incident, the victim was more than 17 years old. After perusing the statement of the victim, it appears that she

N.S.Kamble

had love affair with the Applicant and she herself had gone with the Applicant. The Applicant is behind bars for more than eight months. The Applicant has no antecedents. There is no progress in trial. It may take time to conclude the trial.

7. Considering these facts, I pass following order.

ORDER

- (i) The Applicant-Avinash S/o Vilas Athave, be released on bail in Crime No.153 of 2025 registered with Bharati Vidyapeeth Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned Police Station as and when required.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)