

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 309 OF 2026

Kundan Gopal Kor

....Applicant

versus

The State Of Maharashtra and ors.

....Respondents

Ms. Ankita A. Pawar, Advocate for Applicant.

Mr. B. B. Kulkarni, APP for Respondent No.1-State.

Mr. Gaura Ugale, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 324 of 2025 registered with Jaykheda Police Station, District Nashik, for the offences punishable under Sections 137(2), 64, 64(2)(m), 87, 351(2)(3) of the the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012.

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 there was a love affair between the applicant and the victim, who was more than 17 years old at the time of the incident. The victim herself had gone with the applicant and stayed at Rajasthan with him for three days. Initially,

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the victim had stated that she was not kidnapped and not sexually assaulted by anyone. There is delay in lodging the complaint. The applicant is behind bars for around six months. There is no progress in the trial. The applicant has no antecedents and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No. 2 that at the time of the incident, the victim was 17 years and six months old whereas the applicant was 40 years old. He was aware of the age of the victim. He kidnapped and sexually assaulted her. If the 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 charge sheet and documents produced on record. There is delay in lodging the complaint. Initially, the victim has not stated anything about sexual assault by the applicant. In her supplementary statement, she has stated about the act committed by the applicant. At the time of the incident, the victim was more than 17 years old. The applicant has no antecedents. He is behind bars for around six months, the investigation is completed and charge sheet has been filed. Considering these facts, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 324 of 2025 registered with Jaykheda Police Station, District Nashik, on

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executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant shall not enter into the territory where the victim stays till recording of evidence of the victim.

(iv) The applicant shall not enter into the territory where the victim resides till recording of evidence of the victim.

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

6. 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.

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

(SHIVKUMAR DIGE, J.)