

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 430 OF 2026

Anand Shivaji Sabale

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. Hrishikesh Sopan Shinde (Through V.C.) a/w. Ms. Neha Deshpande for the Applicant.

Mr. A.S. Shalgaonkar, A.P.P. for the Respondents-State.

Mr. Abhang Suryawanshi for the complainant.

Mr. Mihir Mondkar, appointed Advocate for the complainant.

Coram : MEHROZ K. PATHAN, J.

Date : 10th July 2026.

PER COURT :

1. Learned appointed Advocate Mr. Mihir Mondkar is discharged as Advocate Mr. Abhang Suryawanshi has filed his Vakalatnama on behalf of the complainant.

2. The Applicant has approached this Court seeking regular bail in connection with F.I.R. No. 117 of 2026, dated 16/02/2026, registered with Mohol Police Station, District Solapur Rural, for the offences punishable under Sections 64(1), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the Applicant submits that there is a considerable delay in lodging of the F.I.R.. The incident is allegedly taken place on 09/02/2026, whereas the same is reported on 16/02/2026. There is no explanation for the delay caused. The Applicant was running a dance party, wherein the complainant was also working as one of the dancers. The allegations of rape are deliberately made to falsely implicate the present Applicant in the said crime due to some dispute between the Applicant and the complainant. The Applicant was arrested on 11/03/2026. The entire investigation is already complete and the chargesheet is also filed. There are no neighbouring witnesses who have seen the Applicant forcibly taking away the complainant and allegedly committing the forcible sexual intercourse. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant may be released on regular bail.

4. Learned A.P.P. on the other hand strongly opposed the bail application on the ground that the Applicant is involved in serious offence of rape on a girl aged 21 years. The offence is punishable with life imprisonment, which mean remainder of life. The Applicant had taken undue advantage of the complainant, who is working with his dance party and has systematically exploited the victim girl and committed rape on her. The medical evidence corroborates the allegations. Thus, after completion of investigation,

chargesheet is filed. If the Applicant is released on bail, there is every likelihood that the Applicant may threaten the prosecutrix and thereby cause prejudice to the prosecution's case. Hence, the Application may be rejected.

5. Learned counsel for the complainant, who has filed his V.P. in the Court today along with his Affidavit submits that the F.I.R. is lodged out of misunderstanding and the matter is amicably settled between the Applicant and the complainant. The Affidavit to that effect is placed on record and marked as "X" for identification.

6. Taking into consideration the nature of allegations and the considerable delay in lodging the F.I.R. for forcible sexual intercourse and taking into consideration the "no objection" filed by the complainant herself, the submission that the Applicant is falsely implicated in the present crime appears to be probable. I am thus inclined to exercise discretion under Section 483 of B.N.S.S. for releasing the Applicant. The investigation is already over. The chargesheet is also filed. The Trial will take its own time to conclude. No fruitful purpose will be served by further incarceration of the Applicant. Hence, the following order :-

ORDER

- i. The Application is allowed.
- ii. The Applicant - Anand Shivaji Sabale be released on bail in connection with F.I.R. No. 117 of 2026, dated 16/02/2026, registered with Mohol Police Station, District Solapur Rural, for

the offences punishable under Sections 64(1), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR. Bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, on the following conditions :-

- (A) The Applicant shall attend the concerned Police Station once in every two months starting from 01/08/2026.
- (B) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (C) The Applicant shall submit his Aadhar Card and Pan Card to the Investigating Officer along with mobile numbers and addresses of two of his near relatives.

7. Needless to say, a single violation of any of the conditions imposed by this Court shall entitle the prosecution and the complainant to seek cancellation of bail of the present Applicant.

8. The Application stands disposed off accordingly.

[MEHROZ K. PATHAN, J.]