

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

CRIMINAL BAIL APPLICATION NO. 97 OF 2025

Ganesh Kailas Narale ...Applicant
Versus
The State of Maharashtra And Ors. ...Respondents

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Mr. Ritesh M. Thobde Through V.C. a/w Mr. Changdev Shingade, Mr.
Darshan Singh Rajpurohit, Adv. Mervin Bardeskar for Applicant.

Mr. Vikrant Phatate a/w Ms. Saniya Patki for Complainant/Intervenor.

Ms. P. S. Rane, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.847 of 2021 registered with Fouzdar Chavadi Police Station, District Solapur for the offences punishable under Sections 376, 376(2)(n), 376(D), 504 & 506 r/w Section 34 Indian Penal Code (for short "IPC").

2. It is prosecution's case that applicant was in friendship with the first informant and by taking disadvantage of friendship, applicant sexually assaulted the first informant on various occasions. It is alleged that by threatening the first informant to kill her son and

husband, applicant sexually assaulted the first informant at various places. It is alleged that the co-accused Vishnu also sexually assaulted the first informant.

3. It is contention of learned counsel for applicant that co-accused has been released on bail by this Court. Hence, the applicant is entitled for bail on the principle of parity. Learned counsel further submitted that the sexual relations between the applicant and first informant were consensual. The first informant is major. The applicant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that applicant sexually assaulted the first informant by threatening her. The co-accused also sexually assaulted the first informant. If applicant released on bail, he may threaten the first informant and prosecution witnesses. Hence, requested to reject the application.

5. I have heard all learned counsels, perused the FIR and documents produced on record. It appears from the record that sexual relations between the applicant and first informant were

consensual. There is delay in lodging the FIR. The co-accused has been released on bail by this Court. The applicant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed. Considering these facts, his further detention is not required.

6. In view of the above, I pass the following order :

ORDER

(i) Application is allowed;

(ii) The applicant be enlarged on bail in Crime No.847 of 2021 registered with Fouzdar Chavadi Police Station, District Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

(iv) The applicant shall not contact the first informant and shall enter in the area where the first informant stays.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(vi) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition or if the applicant misuse of liberty;

(vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

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

8. 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.

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

(SHIVKUMAR DIGE, J.)