

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

CRIMINAL BAIL APPLICATION NO. 2332 OF 2025

Pandurang Maruti Shembde

....Applicant

Versus

The State of Maharashtra and anr

....Respondents

Mr. Umesh Mankapure, Mr. Siyal Magdum, i/b Mr. Abhishek Ingle for the applicant

Ms. Tejas Kapre APP for the State

Mr. Pratik Jadhav for respondent no. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th SEPTEMBER 2025

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 41 of 2025 registered with Kavathe Mahankal Police Station, District Sangli for offences punishable under Sections 64, 64(2)(m) and 64(F) of Bhartiya Nyay Sanhita, 2023 (for short "BNS") alongwith Sections, 4, 5(2)(L), 5(j)(2), 5(n), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that during period April 2025 to September 2025, applicant sexually assaulted the minor daughter of the first informant and impregnated her. Applicant is cousin maternal uncle of the victim.

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3. It is the contention of learned counsel for applicant that there was love affair between the applicant and victim. Applicant was 26 years old at the time of incident. Applicant had given proposal for marriage with the victim through first informant, but it was refused. The victim had herself left home of first informant. There is delay in lodging the complaint. applicant is behind bar for more than 6 months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP alongwith learned counsel for respondent no. 2 that applicant sexually assaulted the victim on several occasions. He was aware about the age of the victim. Due to said sexual assault, victim got pregnant. if applicant is released on bail, he may threaten victim or prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsel, perused F.I.R. and documents produced on record. At the time of incident, victim was more than 16 years old. There is delay in lodging the complaint against the applicant. Applicant is behind bar for more than 6 months. Investigation is completed and charge-sheet has been filed.

6. Considering these facts, further detention of applicant is not

required and I pass following order :

ORDER

- I. Application is allowed.
- II. Applicant be enlarged on bail in C.R. No. 41 of 2025 registered with Kavathe Mahankal Police Station, District Sangli on executing P.R.Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.
- III. Applicant shall not tamper with the evidence or attempt to influence or contact the victim or any person concerned with the case.
- IV. Applicant shall not enter in the area where victim stays.
- V. Applicant shall attend the Trial Court dates, regularly.
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.)