

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

CRIMINAL APPEAL NO. 897 OF 2025

Machindra Tatyaba Karande ...Appellant
Versus
State of Maharashtra and anr ...Respondents

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Mr. Rajendra V. Patil for Appellant.

Ms. Veera Shinde, APP for the Respondent-State.

Ms. Ankita Mali for respondent no. 2 through Legal Aid.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 18th NOVEMBER, 2025

P.C.

1. By this Appeal, Appellant is seeking regular bail in Crime No.181/2025 registered with Shivaji Nagar Police Station, District Kolhapur for the offences punishable under Sections 75 of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and under Sections 3(2)(va), 3(1)w(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 92(b), 92(d) of the Rights of Persons with Disabilities Act, 2016 .

2. It is prosecution’s case that on 9th March 2025, the Appellant took the victim, who is differently abled on the ground of giving chips at crematorium area and outraged her modesty.

3. It is contention of learned counsel for Appellant that there is delay in lodging the FIR. The Appellant is 70 years old. The Appellant is suffering from Asthma. The Appellant is behind bar for more than 8 months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the victim is differently abled person. The Appellant stays in neighborhood of the victim and by taking disadvantage, he took the victim at crematorium area and outraged her modesty. The said incident is witnessed by eye witness. If Appellant is released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the appeal.

5. I have heard both learned counsels, perused the FIR and documents produced on record. Investigation is completed and charge-sheet has been filed. Though charge is framed, there is no progress in the trial. The Appellant is behind bar for more than eight months. It may take time to conclude the trial. Considering the allegations against the Appellant, I pass the following order :

ORDER

(i) The appeal is allowed;

(ii) The Appellant be enlarged on bail in Crime No.181/2025 registered with Shivaji Nagar Police Station, District Kolhapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) The Appellant shall not tamper with the evidence or attempt to influence or contact the victim, witnesses or any person concerned with the case.

(iv) Appellant shall attend the Trial Court dates, regularly.

6. The Appeal is allowed in the aforesaid terms and is accordingly disposed off.

7. 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.

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

9. As Ms. Ankita Mali, the learned counsel for the Respondent No.2 appointed through legal-aid, professional Fees of Rs.10,000/- be paid to her.

(SHIVKUMAR DIGE, J.)