

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

CRIMINAL BAIL APPLICATION NO. 2831 OF 2025

Yash Sharad Mohite ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

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Mr. Yash Fadtare i/by Adv. Rahi Patil, for Applicant.

Dr. A. A. Takalkar, APP for the Respondent No.1-State.

Mr. Sourabh Tandale a/w Mr. Ruturaj Ulhas Kadam, Advocate for Respondent No.2.

PSI Aakash Jadhav, Shahupuri Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 15th OCTOBER, 2025

P.C.

1. Leave to file Vakalatnama on behalf of Respondent No.2.

2. By this application, applicant is seeking regular bail in Crime No.725 of 2024 registered with Shahupuri Police Station, District Kolhapur for the offences punishable under Sections 78, 65(1), 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and Sections 4, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012.

3. It is prosecution's case that on 15th July, 2024, the applicant has sexually assaulted the minor daughter of the first informant.

4. It is contention of learned counsel for applicant that the victim has given statement on 17.07.2024 before the Police. In the said statement she has not stated about penetrative sexual assault. On 18.07.2024, the statement has been recorded and she has stated about penetrative sexual assault. The applicant is behind bar for more than one year and three months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

5. It is contention of learned APP that at the time of incident the victim was around 15 years and 8 months old. The applicant was aware about the age of the victim, in spite of that the applicant had sexually assaulted her by giving threat. If applicant is released on bail, he may threaten the victim or prosecution witnesses. Medical report of the victim is positive. Hence, requested to reject the application.

6. It is contention of learned counsel for Respondent No.2 that Respondent No.2 has given no objection to allow the bail application. Respondent No.2 is present in the Court.

7. I have heard all the learned counsels, perused the FIR and documents produced on record. There is two days delay in lodging

the FIR. The police has recorded the statement of victim on 17.07.2024. In the said statement she has not stated about penetrative sexual assault. The applicant is behind bar for more than one year and three months. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial. Considering these facts, his further detention is not required.

8. In view of above, I pass following order :

ORDER

- (i) Application is allowed;
- (ii) The applicant be enlarged on bail in Crime No.725 of 2024 registered with Shahupuri 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 applicant shall not tamper with the evidence or attempt to influence or contact the victim, first informant, witnesses or any person concerned with the case.
- (iv) Applicant shall attend the Trial Court dates, regularly.

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

10. 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.

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

(SHIVKUMAR DIGE, J.)