

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

CRIMINAL BAIL APPLICATION NO. 2888 OF 2025

Santosh Bhaskar Bhanwase ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondents

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Mr. Vikram S. Undre for Applicant.

Ms. Tanuja Jadhav, Appointed Advocate for Respondent No.2,
through Legal-aid.

Mr. S. S. Chaudhari, APP for the Respondent No.1-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st OCTOBER 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.89 of 2025 registered with Barshi Taluka Police Station, District Solapur for the offences punishable under Sections 70, 118(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

2. It is prosecution's case that on 22nd December 2024, the applicant and co-accused took the victim on one lodge and sexually assaulted her by taking turn.

3. It is contention of learned counsel for applicant that there is delay of four months in lodging the complaint. The victim is major.

Though the victim alleges that after the incident she immediately went for medical checkup but she did not tell anything to the doctor about sexual assault. The applicant is behind bar for more than eight months. 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 and learned counsel for Respondent No.2 that the applicant and co-accused sexually assaulted the victim. She was detained in the room of lodge. The statement of the manager of lodge is recorded, which supports the victim's statement. Due to threat, the victim could not file First Information Report within time. 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 the learned counsels, perused the FIR and documents produced on record. There is delay of four months in lodging complaint. The statement of doctor shows that the victim did not complain him about the sexual assault on her when she had gone to doctor for checkup. The applicant is behind bar for more than eight months. Investigation is completed and charge-sheet has been

filed. The victim is major. 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.89 of 2025 registered with Barshi Taluka 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 not tamper with the evidence or shall not attempt to influence or contact the first informant/victim, witnesses or any person concerned with the case.
- (iv) The 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.)