

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

CRIMINAL APPEAL NO. 795 OF 2025

Yogesh Vasant Patil ...Appellant
Versus
State of Maharashtra And Anr. ...Respondents

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Mr. Priyal G. Sarda Through V.C. for Appellant.

Mr. N. B. Patil, APP for the Respondent No.1-State.

Mr. Santosh Punalkar for Respondent No.2 through legal-aid.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2025

P.C.

1. By this appeal, the appellant challenged the order passed by the Learned Special Judge (Atrocity Act) and Additional Sessions Judge, Kolhapur vide order dated 11.07.2025 and is seeking regular bail in Crime No.261 of 2025 registered with Juna Rajwada Police Station, District Kolhapur for the offences punishable under Sections 376, 354(A) and 506 of the Indian Penal Code (for short "IPC") and Sections 3(1)(w)(i)(ii), 3(2), 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. It is prosecution's case that during the period from February-2024 to June-2024 the appellant sexually assaulted the first

informant by threatening her. It is alleged that the appellant was aware that the first informant belongs to scheduled caste.

3. It is contention of learned counsel for Appellant that the appellant has been falsely implicated in this case. Earlier the offence was registered against the appellant on the complaint of Smt.Sharvari Pawar. In the said offence the police has recorded the statement of present first informant. In the said statement she has not stated anything against the appellant. Learned counsel further submitted that thereafter second offence was registered by Smt. Sharvari Pawar against the Appellant. In the second offence, the police has recorded the statement of the first informant. In the said statement also she has not stated anything against the appellant. Learned counsel further submit that in statement recorded under Section 164 of Cr.P.C. of the first informant before the learned Magistrate, she has not stated anything against the appellant. Learned counsel further submitted that the FIR is lodged after 11 months of the alleged incident. The first informant is in collusion of Sharvari Pawar and they want to keep the appellant behind bar, on that ground present offence is registered against the appellant. The appellant is behind bar more than 5 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 appellant has antecedents of similar nature. The appellant was aware about the caste of the first informant, in spite of that, he sexually assaulted her on several occasions by threatening her. In statement recorded before the Magistrate under Section 164 of Cr.P.C. she categorically stated about the act done by the Appellant with her. Due to threat she could not file complaint against the appellant immediately. If appellant released on bail he may threaten first informant and/or prosecution witnesses. Hence, requested to dismiss the appeal.

5. Learned counsel for the Respondent No.2 tendered an affidavit-in-reply. It is taken on record.

6. I have heard all the learned counsels, perused the FIR and documents produced on record. It appears from the record that on two occasions police have recorded the statement of first informant under different crimes registered by Smt. Sharvari Pawar. In the said statement the first informant has not stated anything against the appellant. Her statement was recorded before the Magistrate in connection with the said crime, but she has not stated anything against the appellant. After 11 months of the incident she has lodged the present FIR. There is delay in lodging the FIR as well as first

informant had an opportunity to make complaint against the Appellant when her statement was recorded by the Police, but it was not done. The appellant is behind bar for more than five months. Investigation is completed and charge-sheet has been filed. Considering these facts, his further detention is not required.

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

ORDER

- (i) The appeal is allowed;
- (ii) The appellant be enlarged on bail in Crime No.261 of 2025 registered with Juna Rajwada 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 first informant, witnesses or any person concerned with the case.
- (iv) The appellant shall not enter in the area where the first informant stays.
- (v) The appellant shall attend the Trial Court dates, regularly.

8. The appeal is allowed in the aforesaid terms and is accordingly disposed off.

9. 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.

10. As Mr. Santosh Punalkar is appointed through legal-aid to represent Respondent No.2, the professional Fees of Rs.10,000/- be paid to him.

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

(SHIVKUMAR DIGE, J.)