

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

CRIMINAL BAIL APPLICATION NO. 3343 OF 2025

Baban Keshav More

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

Ms. Rashmi Kulkarni (Through VC) a/w Mr. Ashish Kachole i/b Mr. Vishal Kadam, Advocate for the Applicant.

Mr. A. S. Shalgaonkar, A.P.P., for the Respondent – State.

Mr. Maruti Sarkar, Advocate for Respondent No.2 (Through Legal Aid).

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th NOVEMBER, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in connection with C.R. No.22 of 2025 registered with Faujdar Chawadi Police Station, Solapur City, District: Solapur, for the offence punishable under Sections 376(2)(j), 376(1) and 376(2)(f) and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”).

2. It is prosecution’s case that the Applicant had love affair

with the victim and he sexually assaulted the victim on several occasions. Due to said sexual assault, she got pregnant and has delivered the child.

3. It is contention of learned counsel for the Applicant that initially an offence was registered only against the co-accused for sexual assault on the victim, and after three days of the said registration of the said offence, the victim has stated that the Applicant had sexually assaulted her on several occasions. There is delay in lodging the complaint. At the time of incident, the victim was 17 years old. The Applicant is behind bar around ten months. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial. The Applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicant was aware about the age of the victim. He sexually assaulted her on several occasions. Due to sexual assault, she got pregnant and delivered the child. The DNA of child matched with the Applicant. If the Applicant is released on bail, he may threaten the victim and prosecution witnesses, and requested to reject the application.

5. I have heard all learned counsel, perused F.I.R. and documents produced on record.

6. Initially, the complaint was lodged against the co-accused. In F.I.R. the name of the Applicant is mentioned after three days of registering the complaint. There is delay for lodging the F.I.R. The Applicant is behind bar for more than ten months. Investigation is completed and charge-sheet has been filed. At the time of incident, the victim was more than seventeen years old. The co-accused against whom the same allegations are levelled has been released on bail by this Court, hence Applicant is entitled for bail on principle of parity. Considering these facts, I pass following order:

ORDER

- i. The application is allowed.
- ii. The Applicant be enlarged on bail in C.R. No.22 of 2025 registered with Faujdar Chawadi Police Station, Solapur City, District: Solapur, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned police station as and when required.

- iv. The Applicant shall attend the Court dates regularly.
 - v. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - vi. The Applicant shall not enter in the village where the victim stays till recording of her evidence.
7. The Applicant 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. Mr. Mr. Maruti Sarkar is appointed through Legal Aid Committee to represent Respondent No.2, professional fess of Rs.10,000/- be paid to him.
10. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)