

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

CRIMINAL BAIL APPLICATION NO. 3320 OF 2025

Aditya Sambhaji Powar

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

.....

Mr. Ganesh Narula a/w Mr. Rajendra Gorde for Applicant.

Ms. Vaishnavi Swami, Advocate for first informant/Respondent No.2,
through legal-aid.

Ms. P.S. Rane, APP for the Respondent No.1-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2025

P.C.

1. Leave to add first informant as party respondent No.2.

Amendment to be carried out forthwith.

2. By this application, applicant is seeking regular bail in Crime No.5 of 2025 registered with Murgud Police Station, District Kolhapur for the offences punishable under Sections 65(2), 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and Sections 4, 5(M), 6, 8 & 10 of the Protection of Children From Sexual Offences Act, 2012.

3. It is prosecution's case that on 22nd December 2024 between 11:30 a.m. to 1:30 p.m. the applicant took the victim with her and

inserted his finger in her private part. At the time of incident, the victim was 8 years, 11 months and 7 days old. It is alleged that he is relative of victim.

4. It is contention of learned counsel for applicant that there is delay of 14 days in lodging the complaint. As per the prosecution's case, the victim had confided about the incident to her mother and at that time her father was not present, but the statement of the father of victim recorded by Police shows that he was aware about the incident. The medical report does not show any injury to the private part of the victim or tear of hymen. The applicant is behind bar for more than nine months. He has no antecedents. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

5. It is contention of learned APP along with respondent No.2 that though there is delay but delay is explained. It is settled law that not finding any injury on the private part of the victim cannot be a ground to give benefit to the applicant. The applicant is relative of the victim. If applicant is released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the application.

6. Learned counsel for Respondent No.2 relied on the Judgment of the Hon'ble Apex Court in the case of **Ranjeet Kumar**

Yadav Versus State of NCT of Delhi¹ and the order passed by this Court in the case of **Unnikrishnan Rajeevkumar Bhaskaran Alias Rajiv Unnikrishnan Vs. State of Maharashtra and another** in Criminal Bail Application No.1207 of 2022 by order dated 23rd January 2024.

7. I have heard all the learned counsels, perused the FIR and documents produced on record. There is delay of 14 days in lodging the complaint. The first informant has stated that the victim had confided about the incident to her and she did not tell this fact to her husband but the victim was living lonely and in sad mood hence, her husband inquired with her and thereafter she told about the incident to him. After coming to know about the incident, her husband and she decided to lodge the complaint. Hence, there was delay in lodging the complaint. The statement of husband of the first informant recorded before Police shows that he came to know about the incident on the same day of the incident, so there is contradiction in the statement of the first informant and husband of the first informant. There is no proper explanation of delay in lodging the complaint. The evidentiary value of the medication examination can be decided at the time of trial. As there is delay of 14 days in lodging the complaint and there is no proper explanation about it. The

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applicant is behind bar for more than nine months. The applicant has no antecedents. 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 the above, I pass the following order:

ORDER

(i) Application is allowed;

(ii) The applicant be enlarged on bail in Crime No.5 of 2025 registered with Murgud 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 shall not attempt to influence or contact the victim, witnesses or any person concerned with the case.

(iv) The applicant shall not enter in Taluka Kagal till recording of evidence of victim.

(v) 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. As Ms. Vaishnavi Swami is appointed to represent Respondent No.2 through legal-aid, professional fees of Rs.10,000/- be paid to her.

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

(SHIVKUMAR DIGE, J.)