

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 3385 OF 2025**

Arjun Suryakant Kadam ...Applicant  
Versus  
The State Of Maharashtra And Another ...Respondents

Mr. Ritesh Thobde a/w Mr. changdev Shingade, Mr. Marvin Bardeskar,  
Advocate for the Applicant.

Mr. Shubham Vasekar for respondent no. 2

Mr. S. H. Yadav, APP for the Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.  
DATE : 17<sup>th</sup> DECEMBER, 2025.**

**P.C.**

1. By this application, applicant is seeking regular bail in Crime No. 861 of 2022 registered with Pandharpur City Police Station, District Solapur for offences punishable under Sections 323, 376, 376(2)(1), 376(2)(n), 504, 506 of the Indian Penal Code.

2. It is the prosecution's case that the victim is mentally retarded. She is sister of the first informant. The applicant sexually assaulted her on several occasions by taking undue advantage of her mental retard-ness and impregnated her.

3. It is contention of learned counsel for applicant that Applicant is behind the bar for more than three years. There is no progress in trial. The certificate of mental retard-ness of the victim

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shows that she is on borderline. At the time of incident, the victim was around 40 years old. The applicant has no antecedents. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP alongwith learned counsel for the respondent no. 2 that the victim is mentally retarded. The applicant had taken undue advantage of it. The applicant sexually assaulted her on several occasions. The applicants relatives are threatening the first informant. If applicant is released on bail, he may threaten prosecution witnesses and requested to reject the application.

5. I have heard all learned counsels, perused F.I.R. and documents produced on record. Applicant is behind bar for more than three years. There is no progress in trial. Though in the F.I.R. there are allegations that due to sexual assault, the victim got pregnant, no documents are produced on record to show the victim was impregnated. It may take time to conclude the trial.

6. Considering these facts, I pass following order

### **ORDER**

I. The Application is allowed.

- II. The Applicant be enlarged on bail in Crime No. 861 of 2022 registered with Pandharpur City 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 attempt to influence or contact the witnesses or any person concerned with the case.
- IV. The Applicant shall attend the Trial Court dates, regularly.
- V. The applicant shall not enter in jurisdiction of Pandharpur city police station till recording of evidence of prosecution witnesses, except attending the Court dates.
- VI. Professional fees of Rs. 10,000/- to be paid to learned counsel appointed through Legal Aid for respondent no. 2.
- VII. The application is allowed in the aforesaid terms and is accordingly disposed off.
- VIII. 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.
- IX. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)