

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3483 OF 2025

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Laxman Alias Sonya Santosh Vadar ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr. Shailesh Chavan a/w Viraj Nalawade & Tanvi Lad Advocate for the Applicant.

Ms. Rajnandini P. Katkar Advocate for Respondent No. 2.
Smt. P. S. Rane APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 19th DECEMBER, 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.663 of 2024 registered with Rajarampuri Police Station Dist-Kolhapur for the offences punishable under Sections 74, 75 and 76 of the Bharatiya Nyay Sanhita, 2023 and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is prosecution's case that 7th November, 2024, at around 11.30 p.m. the applicant sexually assaulted the minor daughter of the first informant by inserting finger in her private part.

3. It is contention of learned counsel for the applicant that there

are contradictions in the statement of victim given before the police and recorded before the trial Court under Sections 164 of Cr.P.C. In the statement under Section 164 of Cr.P.C. of the victim the facts about sexual assault by the applicant by inserting finger in private part of the victim is not mentioned. The applicant is behind bar more than 1 year and 6 months. The medical report does not show about the sexual assault by penetration. Hence, requested to allow the application.

4. It is contention of learned APP along with respondent no. 2 that the applicant penetrate the victim by inserting his finger in her private part. The victim was 5 years old. If the applicant released on bail, he may threaten the victim, 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.

6. In the statement under Section 164 of Cr.P.C. the victim has not stated about the insertion of finger in her private part. The medical report also does not show about the insertion of finger in private part. The applicant is behind bar more than 1 year and 6 months. There is no progress in trial. Considering these facts, I pass following order:

ORDER

- I. The applicant be enlarged on bail in Crime No.663 of 2024 registered with Rajarampuri Police Station Dist-Kolhapur on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - II. The applicant shall not enter in the area where the victim and first informant are stays.
 - III. The applicant shall attend the Court dates regularly.
 - IV. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
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. As Ms. Rajnandini P. Katkar is appointed through Legal Aid Committee to represent respondent no. 2, professional fees of Rs.10,000/- be paid to her.
10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)