

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION. NO. 3490 OF 2025**

Shivanand Alias Shivbala Dilip Swami ...Applicant
Versus
The State Of Maharashtra And Another ...Respondents

Mr. Shankar Katkar for the applicant
Mr. S. H. Yadav, APP for the State
Mr. Ruturaj Kadam for respondent no. 2 appointed through Legal Aid

**CORAM : SHIVKUMAR DIGE, J.
DATE : 11th NOVEMBER, 2025.**

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 141 of 2024 registered with Mangalvedha Police Station, District Solapur for offences punishable under Sections 376(3), 376(2)(f), 323 r/w 34 of the Indian Penal Code and under Sections, 4,6,8,10 and 12 of the Indian Penal Code.

2. It is the prosecution's case that on 28th December 2023, the applicant sexually assaulted the victim when she was travelling with him in the truck of the applicant.

3. It is contention of learned counsel for applicant that there is delay of 2 months in lodging the complaint. The medical report does

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.11.12
18:18:05
+0530

not support the prosecution case. Applicant is behind bar for more than 20 months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP alongwith learned counsel respondent no. 2 that at the time of incident, victim was around 12 years old. The applicant sexually assaulted her. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsels, perused F.I.R. and documents produced on record. There is two months delay in lodging the complaint. Applicant is behind bar for more than 20 months. Investigation is completed and charge-sheet has been filed. Considering these facts, I pass following order:

ORDER

I. The Application is allowed.

II. The Applicant be enlarged on bail in C.R. No. 141 of 2024 registered with Mangalvedha 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 the village where victim stays till recording of evidence of victim and the first informant.

6. The application is allowed in the aforesaid terms and is accordingly disposed off.

7. 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.

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

9. Professional fees of Rs. 10,000/- to be paid to learned counsel appointed through Legal Aid for respondent no. 2.

(SHIVKUMAR DIGE, J.)