

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

CRIMINAL BAIL APPLICATION NO. 4128 OF 2024

Imamsahab @ Budan Rahimbaksh Bagwan. ... Applicant.

Vs.

The State of Maharashtra & Anr. ... Respondents.

Mr. Advait U. Shukla i/b. Abdul Q. Auti, Advocate for the Applicant.

Mr. Ramprasad Deore, a/w. Mr. Rajesh Ranglani, Advocate for Respondent No. 2.

Mr. A.A. Palkar, APP for Respondent/State.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 12th JUNE, 2025.**

P.C. :

1. Heard Mr. Advait Shukla, learned Advocate for the Applicant, Mr. Palkar, learned APP for Respondent No. 1-State and Mr. Ramprasad Deore, learned Advocate for the Respondent No. 2.

2. By the present Application under section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short "BNSS"), the

Applicant seeks regular bail in Crime No. 303 of 2024 registered with Sadar Bazar Police Station, Solapur for offence punishable under Section 354, 376, 376(2)(n) & 377 of the Indian Penal Code, 1860 and under Section 4, 6, 8, 12, 17 & 21 of Protection of Children from Sexual Offences Act, 2012.

3. Respondent No.2 filed a complaint alleging sexual assault by the Applicant. Respondent No. 2 in her complaint made reference to four dates on which the assault is alleged to have happened. Respondent No. 2 was subjected to medical examination. Statement of the Respondent No. 2 under section 164 of the Code of Criminal Procedure, 1973(Section 183 of BNS) is recorded.

4. Applicant was arrested on 27th April, 2024 and is in jail since then.

5. Mr. Advait Shukla, learned Advocate for the Applicant submits that the statement in the FIR would indicate that the incident as alleged is highly improbable. He submits that there is delay in registering the FIR. He further submits that the FIR

indicates that the Respondent No. 2 had made a reference of the alleged incident to her mother, despite of which no action was taken by the mother. He submits that this is a case of false implication of the Applicant. He submits that the reasons for false implication is on account of the Applicant proposing to evict the Respondent No. 2 and her family from the unit occupied by them. He submits that investigation is completed and charge-sheet is filed. He submits that the Applicant has no criminal antecedents. He therefore, prays that bail be granted.

6. Mr. Palkar, Learned APP submits that the FIR indicates the commission of offence. He submits that the statement of the Respondent No. 2 is recorded under section 164 of the Code of Criminal Procedure, 1973.

7. Mr. Ramprasad Deore, learned Advocate for the Respondent No. 2 submits that the complaint refers to the incident as transpired.

8. Perused the FIR and the 164 statement of the Respondent No. 2. Statement of the Respondent No. 2, recorded under

section 164 of the Code of Criminal Procedure, 1973 gives an impression that the Respondent No. 2 has made an attempt to improvise. Inconsistencies in the FIR and the 164 statement of the Respondent No. 2 are glaring. Medical examination report placed on record does not support the allegations made by the Respondent No. 2.

9. From the nature of allegations and the material placed on record, prima facie do not indicate the offence being committed in the manner alleged. Investigation is complete. Charge-sheet is filed. Applicant is in jail since 27th April, 2024. Applicant has no criminal antecedents. This is a fit case for grant of bail.

10. In view of the above, this Application is allowed on the following terms:

(a) The Applicant be released on bail in Crime No. 303 of 2024 registered with Sadar Bazar Police Station, Solapur on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Special Judge, Solapur.

(b) The Applicant shall not interfere/influence any of the witnesses and/or tamper with the evidence.

(c) The Applicant shall attend trial regularly unless exempted.

11. Criminal Bail Application is disposed of.

[ASHWIN D.BHOBE, J.]