

Harish

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

CRIMINAL BAIL APPLICATION NO. 1964 OF 2025

Ashok Machindra Shelke	...Applicant
Versus	
The State of Maharashtra And Anr	...Respondents

HARISH
VITHAL
CHAUDHARI

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date:
2025.10.10
20:02:26 +0530

Mr. Jaydeep D. Mane for the Applicant.
Ms. P. S. Rane, APP for the Respondent-State.
Ms. Madhura Mirajkar for Respondent No. 2 appointed through
Legal Aid Committee.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th OCTOBER, 2025

P.C.:

1. By this application, applicant is seeking regular bail in crime No.22 of 2025 registered with Faujdar Chawadi Police Station, District Solapur for the offences punishable under Sections 376(2)(j), 376(1) and 376(2)(f) and under Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
2. It is prosecution's case that the applicant is cousin of the first informant. On 26th May, 2024 he sexually assaulted the first informant on the promise of marriage.

3. It is the contention of learned counsel for the applicant that at the time of incident the first informant was more than 17 years old. The main allegations in the complaint are against the co-accused Baban More. It is alleged that the co-accused Baban More sexually assaulted the victim on several occasions. The allegations against the applicant are that he sexually assaulted the victim on one occasion on the promise of marriage. The application is behind bar more than 8 months. Investigation is completed. Charge-sheet has been filed. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent no. 2 that the applicant sexually assaulted the first informant on the promise of marriage. The first informant has delivered the child. Applicant was aware about the age of the first informant. He is relative of the first informant. If the applicant released on bail he may threaten the first informant and prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsel, perused the FIR and documents produced on record.

6. In the FIR, the main allegations are against the co-accused Baban More. It is alleged that he sexually assaulted the first informant on several occasions. The allegations against the applicant are that on the promise of marriage, he sexually assaulted the first informant on one occasion. There is delay of 6 months in lodging the FIR. It appears from the record that investigation is completed and chargesheet has been filed. Applicant is behind bar more than 8 months. Considering these facts, further detention of applicant is not required and I pass following order:

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail in crime No.22 of 2025 registered with Faujdar Chawadi Police Station, District Solapur on executing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) 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. Madhura Mirajkar 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.]