

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

CRIMINAL BAIL APPLICATION NO. 2121 OF 2025

Vishal Gautam Khandale ...Applicant
Versus
State of Maharashtra And Anr. ...Respondents

Mr. Ritesh M. Tobde a/w Mr. Changdev Shingade, Ms. Hansika Jadhav, Mr. Darshan Singh Rajpurohit, Adv. Marvin V. Bardeskar, for Applicant.

Mr. Pradeep Salgar for Respondent No.2.

Dr. Ashvini A. Takalkar, APP for the Respondent No.1-State.

Mr. Sawant H. P. (Police Naik) Karkamb Police Station, present.

CORAM : SHIVKUMAR DIGE, J.
DATE : 10th SEPTEMBER 2025

PC.

1. By this application, applicant is seeking regular bail in Crime No.261 of 2024 registered with Karkamb Police Station, District Solapur for the offences punishable under Sections 64(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and Sections 4, 6 & 8 of the Protection of Children From Sexual Offences Act, 2012.

2. It is prosecution's case that the victim was sexually assaulted by accused No.1. In supplementary statement, the victim has stated

that applicant is her cousin and he sexually assaulted her twice. Due to sexual assault, she got pregnant.

3. It is contention of learned counsel for applicant that applicant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed. In First Information Report, there is no reference of the applicant. In supplementary statement name of the applicant is mentioned. Learned counsel for the applicant further submitted that while doing medical examination of the victim, she has stated that the said sexual intercourse was consensual. At the time of incident, she was around 17 years and 7 months old and applicant was 20 years old. Hence, requested to allow the application.

4. It is contention of learned A.P.P. that applicant is cousin of victim. He sexually assaulted the victim, who was below 18 years of age. Due to said sexual assault, the victim got pregnant. The DNA report confirms that the pregnancy of victim was due to sexual assault by the applicant. If applicant is released on bail, he may threaten the victim or prosecution witnesses. Hence, requested to reject the application.

5. It is contention of learned counsel for Respondent No.2 that Respondent No.2 has no objection to allow the bail application.

6. I have heard all the learned counsels, perused the FIR and documents produced on record. In complaint, the name of applicant was not mentioned. In supplementary statement his name is mentioned. At the time of incident, the victim was around 17 years and 7 months old, whereas the applicant was 20 years old. In medical examination, the victim has stated that the said intercourse was consensual. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial. Considering the age of victim as well as applicant is behind bar for more than one year, further detention of the applicant is not required.

7. In view of the above, I pass the following order :

ORDER

(i) Application is allowed;

(ii) The applicant be enlarged on bail in Crime No.261 of 2024 registered with Karkamb Police Station, District Solapur, on executing P.R.Bond in the sum of Rs.30,000/- 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 victim, witnesses or any person concerned with the case.

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

9. 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.

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

(SHIVKUMAR DIGE, J.)