

Harish

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

CRIMINAL BAIL APPLICATION NO.2604 OF 2025

HARISH
VITHAL
CHAUDHARI

Kalubhaiya @ Shubham Masa @
Masu Waghamre
Vs.

.....Applicant

State Of Maharashtra And Anr.

.....Respondents

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date:
2025.09.03
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Adv. Anand S. Patil for the Applicant.

Ms. Priyanka Rane, APP for the Respondent-State.

Adv. Vaishnavi M. Mali, appointed advocate for Respondent
No.2.

API V. R. Patil Pandharpur Taluka Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER, 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C.R.No. 205 of 2025 registered with Pandharpur Taluka Police Station, Dist-Solapur, for the offences punishable under Section 64(2)M, 65(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and under Sections 6, 8 and 12 of Protection of Child from Sexual Offences Act, 2012.

2. It is prosecution's case that the applicant sexually

assaulted the victim by calling her to his house and by threatening her during the period from January 2025 to March 2025. Due to sexual assault, the victim got pregnant and has delivered the child.

3. It is the contention of the learned counsel for the applicant that at the time of incident, applicant was below 18 years of age. The applicant has been falsely implicated in this case. At the time of incident the victim was more than 16 years old. The applicant is a student and is behind bar around 6 months. Investigation is completed. Chargesheet has been filed. Hence, he requested to allow the bail application.

4. It is the contention of learned APP and the learned counsel for Respondent No. 2 that the applicant has sexually assaulted the victim on several occasions by threatening her. At the time of incident, the victim was 16 years old. The applicant was aware about her age. Due to sexual assault, the victim got pregnant and has delivered the child. The applicant is neighbor of the victim. If he is released on bail, he may abscond or threaten the victim and prosecution witnesses. Hence, requested to reject the present bail application.

5. I have heard both learned counsel. Perused the FIR, and documents produced on record. There is a delay in lodging the complaint. The complaint was lodged when the first informant came to know about the pregnancy of the victim. At the time of incident, the victim was more than 16 years old. At present the applicant is around 19 years old. He is a student. It may take time to conclude the trial. If the applicant remained behind bar, it may ruin his education life. Investigation is completed. Chargesheet has been filed. Considering the above facts, further detention of the applicant is not required.

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

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail in C.R.No. 205 of 2025 registered with Pandharpur Taluka Police Station, Dist-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 attend the trial court proceeding regularly.
- (iv) The applicant shall attend the concerned police station as and when required.

(v) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(vi) 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 of.

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

[SHIVKUMAR DIGE, J.]