IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 742 OF 2026

Madhukar Vithoba Khilare ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Adv. Priyal Sarda (through V.C.) a/w Adv. Onkar Bajaj, for Applicant.
Ms. Ashvini A. Takalkar, APP for the Respondents-State.
Adv. Rakesh Shinde, for Respondent No.2.
Mr. Nilesh Shivaji Dhoble, Sangola Police Station, present.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 28th OCTOBER, 2026.

P.C. :

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No.693 of 2019, registered with Sangola Police Station, Dist. Solapur for the offences punishable under Sections 376 (2)(i) of Indian Penal Code and under Sections 3(A), 4 and 42 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant is behind the bars since 14.08.2019. The Charge-sheet is filed on 27.08.2019. The charge has been framed and trial has commenced. The prosecution has examined one witness.

4. Learned counsel for the applicant has a grievance that there is very slow progress of the trial. The applicant has suffered long incarceration for more than 7 years which is more than minimum punishment prescribed for the offence in question. It is submitted that without there being any lapses on the part of the applicant, the trial has not been progressed much. My attention is adverted to Roznama and the manner in which it is progressing. It is contended that on 95 occasions applicant was not been produced before the Court. The lawyer which is made available to represent him was also absent for 20 times.

5. The learned counsel for the applicant has placed reliance on the order dated 04.05.2026 passed by the Hon'ble Apex Court in the matter of ***Sahil Manoj Machare Versus the State of Maharashtra*** in Petition for Special Leave to Appeal (Crl.) No.7502 of 2026.

6. Learned APP submits that applicant is also said to be responsible for slow progress of the trial. His lawyer did not respond. On the instruction of the officer from the concerned Police Station who is present today, it is submitted that trial would be concluded within short time and the summons have been issued to further witnesses.

7. I have gone through First Information Report and the relevant documents. It needs to be mentioned that a child of five years and six months is alleged to have been sexually assaulted by applicant who was

56 years old at the relevant time. He is reported to be the neighbor of the victim and her family. On merits he is not entitled to be enlarged on bail considering gravity, incriminating material against him and the seriousness of the offence.

8. It is informed that trial has already commenced and one witness has been examined. Further witnesses would be examined within short time. Learned APP assures this Court that instructions would be given to the concerned jail authorities to promptly produce the applicant either physically or through video conferencing before the Trial Court. If the defence counsel provided to the applicant is not responding, then it would be open for the applicant to apply for change of counsel.

9. The order passed by the Hon'ble Apex Court in case of ***Sahil Manoj Machare*** (supra) would not enure to the benefit of the applicant considering peculiar facts and circumstances of the case. I do not see any reason to grant relief to the applicant. Bail Application is dismissed.

10. The Trial Court shall expeditiously decide Special Case (POCSO) No. 179 of 2019.

[SHAILESH P. BRAHME, J.]