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

CR. APPEAL NO. 198 OF 2026

Hasan Azamoddin Patel ……Appellant

V/s.

The State Of Maharashtra And Ors ……Respondents

Mr. Saurabh P. Tandale a/w Abdul Quadhir Auti, Pratik Jadhav & Basit Mulla for the Appellant.
Dr. A. A. Takalkar, APP for the Respondent No. 1 & 3-State.
Ms. Prajakta Shivaji Kamble for Respondent No. 2.
PC 1286 Bandgar G. S., Akkalkot North Police Station.

CORAM : NEERAJ P. DHOTE, J.
DATE : 19th NOVEMBER, 2026

P. C. :

1. Heard the learned Counsel for the Appellant, the learned APP for the State, and the learned Counsel for the Victim. With their assistance, perused the papers on record.

2. This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SC/ST Act") against the order dated 11th August, 2026 passed by the

learned Special Judge (POCSO), Solapur below Exhibit-6 in Special Case No. 154 of 2026, rejecting the application for regular bail in Crime No. 213 of 2026 registered on 12th April, 2026 for the offences punishable under Sections 64(1), 74, 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS); Sections 3(1)(W)(i)(ii) and 3(2)(V) of the SC/ST Act; and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

3. The aforesaid crime is registered on the report lodged by the grandmother of the victim, who belongs to the Scheduled Caste. The Appellant does not belong to the Scheduled Caste. The victim and the Appellant are residents of the same village. On 10th April, 2026 in the evening at 11:00 p.m., when the victim was alone at her house, the Appellant had sexual intercourse with her and threatened to kill. The Appellant came to be arrested on 19th April, 2026. Subsequently, the offences punishable under Section 64(1) of the BNS and Section 4 of the POCSO Act came to be added.

4. Perusal of the FIR at page No. 18 lodged by the grandmother of the victim shows that, it does not speak of any sexual intercourse by the Appellant with the victim. The FIR speaks that, on 10th April, 2026 when the informant was returning home at around 10:00 p.m. after watching

the procession, she saw the Appellant and the victim together and the Appellant kissing the victim. Due to her intervention, the Appellant left. The papers show that on 30th April, 2026, the statements of the relatives of the victim were recorded, in which they stated of sexual intercourse by the Appellant with the victim. This indicate that, the prosecution developed the case after 20 days. According to the prosecution, the victim was aged 16 years and 10 months at the relevant time. The statement of the victim dated 14th April, 2026 does not support the case of the prosecution in any manner. Her statement nowhere corroborates the statement of the informant and her relatives. Undisputedly, the victim had refused to undergo medical examination, and therefore there is no medical evidence to support the case of the prosecution. The learned Special Court, in the absence of any material to support, observed that, *it appears that, the mind of the victim was washed on the pretext of love by the accused and it appears that there is an influence of the accused on the victim.*

5. The investigation is complete and the charge-sheet has been filed. The Appellant is behind bars since 19th April, 2026. Under the peculiar facts and circumstances of this case as stated above, the order passed by the learned Special Court rejecting the Application for bail needs interference, particularly in view of inconsistencies in the versions of the informant and the relatives of the victim, and no corroboration by the

victim. Hence, the following order:

ORDER

I. The Appeal is allowed.

II. The order dated 11th August, 2026 passed by the learned Special Judge (POCSO), Solapur below Exhibit-6 in Special Case No. 154 of 2026 is quashed and set aside.

III. The Appellant be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

IV. The Appellant shall not tamper with the prosecution case in any manner.

V. The Appellant shall report to Akkalkot North Police Station once in a month on the last Monday of the month between 4:00 p.m. to 6:00 p.m. until further orders.

VI. The fees of the learned Counsel for Respondent No. 2 appointed by this Court are quantified at Rs. 10,000/-, to be paid by the High Court Legal Services Committee.

[NEERAJ P. DHOTE, J.]