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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 984 OF 2026

Kaprya @ Kapurseth Kongarya Bhosale ...Applicant
Versus
The State Of Maharashtra And Ors. ...Respondents

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Adv. Bhagyashri Mangale, Advocate for Applicant.
Adv. Suvarna S. Yadav, Advocate for Respondent No.2-Original Complainant.
Mr. K. V. Saste, APP for the Respondents-State.
Mr. Sandip Bankar (PSI), Karmala Police Station, present.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 29th OCTOBER, 2026.

P.C. :

Heard.

2. Leave is granted to file Vakalatnama.

3. By this application, the applicant is seeking regular bail in connection with Crime No.1008 of 2025 registered with Karmala Police Station, Dist. Solapur Rural, for the offences punishable under Sections 64(1), 119(1), 118(1), 351(2), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023. He is behind bars since 18.01.2026. The charge-sheet has been filed on 04.02.2026 against four persons.

4. It is reported to the police by the respondent No.3 that on 06.12.2025 after 11.00 p.m., she was being ravished by the applicant when she had been to answer call of nature. The companion co-accused abused, assaulted her, and mangalsutra which she was wearing was also snatched.

5. The respondent No. 3 is being represented by a lawyer who tenders on record affidavit of the victim and states that she is present today before Court. It is stated in the affidavit that she has no objection for enlarging applicant on bail. My attention is also adverted to similar type of consent given by the victim before the Trial Court on 11.03.2026.

6. In this backdrop, learned Counsel appearing for the applicant submits that respondent No. 3 is a major and married woman. She is related to the applicant. She has no objection for granting him bail. My attention is adverted to C.R. No. 1005 of 2025, a copy of which is annexed to the paper-book, to buttress that husband of the informant also committed similar type of offence against applicant's wife on 01.12.2025. The incident in question took place on 06.12.2025. Due to rivalry, the applicant is stated to have been implicated in the offence.

7. Learned APP has a strong objection for the submissions of the Counsel for the applicant as well as Counsel for the respondent No. 3. It

is submitted that applicant is a history-sheeter and three antecedents are quoted against him. In one of the offences, provisions of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) was also added. It is further submitted that the applicant is a member of the gang and who has established a terror in the vicinity. After ravishing the victim, she was being abused and assaulted by accused which is aggravated form of misconduct. He prays for rejection of the application.

8. The respondent No. 3 - victim is a major and married lady. She has tendered on record affidavit giving no objection for enlarging applicant on bail. Similar attempt was made when matter was before the Sessions Court.

9. It further reveals that applicant and the respondent No. 3 are related. First Information Report No. 1005 of 2025 was recorded on 07.12.2025 at the instance of a lady who happens to be wife of the present applicant alleging similar type of sexual assault on her and the main perpetrator was one Rahul Kale. The husband of the respondent No. 3 is shown to be the co-accused who are mentioned in the report. The incident in the present case took place on 06.12.2025. This raises a serious doubt regarding genuineness of the incident and allegations against the applicant.

10. The all co-accused are granted bail. The antecedents pitted against the applicant cannot be the sole ground to deny him the liberty. I find that case is made out to enlarge him on bail. Hence, I pass the following order :

::ORDER::

(i) Bail Application is allowed.

(ii) Applicant shall be released on bail in Crime No.1008 of 2025 registered with Karmala Police Station, Dist. Solapur Rural, for the offences punishable under Sections 64(1), 119(1), 118(1), 351(2), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023 on furnishing P.R. bond of Rs.50,000/- with one or more solvent sureties of like amount on the following conditions :

(a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicant shall furnish contact number of himself or his close relative/friend.

(c) The applicant shall furnish his contact number and address to the Investigating Officer.

(d) The applicant Shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(e) The applicant shall co-operate for expeditious

disposal of the trial and attend the dates punctually.

(iii) Bail application is disposed of accordingly.

[SHAILESH P. BRAHME, J.]