

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

CR. APPEAL NO. 92 OF 2026

Prasad Shivaji Motugade
VERSUS
State Of Maharashtra And Anr

Mr. Hrishikesh Shinde, Advocate for Appellant (Appointed through Legal Aid)
Ms. Rajnandini Katkar for respondent no. 2, appointed through Legal Aid
Mr. Nitin B. Patil, APP for the respondent-State

CORAM : SACHIN S. DESHMUKH, J.
DATE : 18th APRIL, 2026.

P C. :

1. In view of appearance of learned counsel Mr. Hrishikesh Shinde, appearance of learned counsel Mr. Sachin Gite is discharged.

2. By this Appeal, appellant is seeking regular bail in C.R. No. 208/2023 registered with Miraj City Police Station, District Sangli for offences punishable under Sections 363, 376, 307, 309 of the Indian Penal Code. Sections 3, 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w)(i)(ii), 3(2)(V-a), 3(2)(V) of the The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2026.04.21
20:26:48
+0530

3. Learned counsel for the appellant submits that the appellant is falsely implicated in the case. There is no material on record to indicate the complicity of the appellant. The appellant and the victim were in relationship. The said fact was not acceptable to the father of the victim. Consequently, the appellant got married to another girl and shared his marriage photos. When the victim came to know about the said fact, victim requested to meet once. Accordingly the appellant met the victim on the date of incident and they had cordial talk. However, the victim insisted the appellant to marry her which he denied in view of marriage. In response, the victim attempted to commit suicide and cut her wrist. In the meanwhile, the father of the victim gathered other people at the spot of incident and a false F.I.R. came to be lodged.

4. It is further submitted that the appellant is in custody since his arrest on 04/06/2023 and the trial is likely to take a considerable time. As such, prayed to allow the Appeal.

5. *Per contra*, learned APP alongwith learned counsel for respondent no. 2 opposed the application submitting that the appellant has indulged in sexually assaulting the minor girl and even has assaulted with sharp weapon. In the process, injuries are

sustained by the victim which dis-entitles the appellant to be admitted to the bail.

6. Upon considering the submissions of learned counsel for the appellant, learned APP, learned counsel for respondent no. 2, and perusal of material on record, *prima facie* indicates that the victim and appellant were known to each other for a considerable period. The totality of circumstances indicate that their relation was consensual in nature. It is only when the people gathered around the house at the spot of incident, the F.I.R. came to be lodged. As such, there is a possibility of over implication.

7. Notwithstanding the same, the appellant is arrested in June 2023 and there is no progress in trial. Considering the number of witnesses which the prosecution proposes to examine, the trial is unlikely to conclude within a reasonable period which entails the appellant to be admitted to the bail.

8. Hence, following order:

ORDER

- I. The Appeal is allowed.
- II. Appellant, Prasad Shivaji Motugade be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like

amount, in connection with C.R. No. 208/2023 registered with Miraj City Police Station, District Sangli for offences punishable under Sections 363, 376, 307, 309 of the Indian Penal Code. Sections 3, 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w) (i)(ii), 3(2)(V-a), 3(2)(V) of the The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the following conditions :-

(a) The appellant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The appellant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The appellant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the appellant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail to the appellant.

9. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

10. Professional fees of Rs. 10,000/- each to be paid to learned counsel appointed for the appellant as well as for respondent no. 2 through Legal Aid.

[SACHIN S. DESHMUKH, J.]