

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

CRIMINAL BAIL APPLICATION NO. 1462 OF 2025

Shivaji Kondiba Kalel

VERSUS

State of Maharashtra And Anr.

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Mr. Sushan N. Mhatre, Advocate for Applicant through legal-aid.

Mr. Nitin B. Patil, APP for the respondent-State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 23<sup>rd</sup> MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 5 of 2018 dated 08.01.2018 registered with Aatpadi Police Station, District Sangli for the offences punishable under Sections 363, 302, 376(1)(l) of the *Indian Penal Code and Sections 4, 6, 8 & 10* of the Protection of Children From Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in custody since 26.07.2018. Despite a considerable period, there is no progress in trial. The prosecution has already examined 13 witnesses and the said statements disclosed a circumstantial case against the applicant. As such, further pre-trial detention of the

applicant is unjustified.

3. When confronted about the progress in trial, learned APP on instructions from the Investigating Officer, who is present in the Court states that most of the witnesses are examined.

4. Having heard the submissions from both the sides and perusal of the record indicates that the trial Court has examined around 13 witnesses and *prima facie* overwhelming evidence is produced against the applicant. At this juncture, it would not be apt to get into the thicket of veracity of the evidence produced on record.

5. The Hon'ble Apex Court in case of '*X*' *Versus the State of Rajasthan*<sup>1</sup>, has cautioned against granting bail in serious offences like rape, murder, dacoity etc., once the trial commences and the prosecution witnesses are being examined.

6. In the instant case, the testimony of other key witnesses is yet to be recorded. As such, there is a possibility of applicant influencing or threatening the witnesses and given the nature of potential punishment i.e. imprisonment for life or death, there is also a possibility that the applicant may flee away. The applicant is alleged to have committed unnatural aggravated sexual assault with the victim girl aged seven years and five months. Given the gravity

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<sup>1</sup> 2024 INSC 909

of the offence, as well, I am not inclined to exercise the discretion in favour of the applicant.

7. However, in the interest of justice, the trial Court is requested to make an endeavour to conclude the trial at the earliest.

8. With the above observations, the application stands rejected.

9. Professional fees to be paid to learned counsel for the applicant appointed through High Court Legal Services Authority is quantified as Rs.10,000/-.

**[SACHIN S. DESHMUKH, J.]**