

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

CRIMINAL BAIL APPLN. NO. 2716 OF 2025

Prasad Vitthal Jogale
VERSUS
State Of Maharashtra And Anr

Mr. Rakesh Bhatkar a/w Mr. Aarya V. Ambulkar, Advocate for Applicant

Mr. Sumit Dhanawade, Appointed through Legal Aid, for respondent no. 2

Mr. Anand S. Shalgaonkar APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th APRIL, 2026.

P.C. :

1. By this application, applicant is seeking regular bail in C.R. No. 0145/2024 dated 10/11/2024 registered with Rajapur Police Station, District Ratnagiri for offences punishable under Sections 64(1), 74, 351(1) of Bhartiya Nyaya Sanhita, 2023 and under Sections 4(2) and 8 of Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is falsely implicated in the case. There is delay in lodging the report. In

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any case, the medical examination of the victim does not support the prosecution case. The applicant is arrested on 10/11/2024 and there is no progress in trial. As such, pre-trial incarceration of the applicant would be unjustified. Resultantly, the applicant deserves to be admitted to the bail.

3. *Per contra*, learned APP assisted by learned counsel for respondent no. 2 vehemently opposed the application submitting that the complicity of the applicant in a serious offence is apparent. Applicant has sexually assaulted the minor girl, which does not entitle the applicant to be admitted to the bail.

4. Learned APP placed reliance on the Judgment of the Hon'ble Apex Court in the case of ***Deepak Kumar Sahu V. State of Chhatisgarh***¹ to contend that absence of injuries on a person of the victim is not fatal to the prosecution case.

5. Having heard the submissions of learned counsel for the applicant, learned APP and learned counsel for respondent no. 2 and perusal of material on record, indicates that there is inordinate delay in lodging the FIR which, *prima facie* entails the applicant to be admitted to bail.

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6. Further perusal of the record indicates that statements of the minors/witnesses present on the day of alleged incident are recorded by the investigating agency. However, those are primarily circumstantial and purport only surrounding circumstances. The material on record is *prima facie* insufficient to establish the complicity of the applicant.

7. Nevertheless, the necessary samples obtained are sent for analysis. Resultantly, the chargesheet is already filed. The applicant is in custody for more than 15 months. As such, further detention of the applicant may amount to pre-trial detention, which is neither warranted nor justified.

8. Having regard to the number of witnesses which the prosecution proposes to examine, the trial is unlikely to conclude within a reasonable period. So far as the apprehension expressed by the learned APP is concerned, the same can be adequately taken care of by imposing stringent conditions.

9. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Prasad Vitthal Jogale 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. 0145/2024 dated 10/11/2024 registered with Rajapur Police Station, District Ratnagiri for offences punishable under Sections 64(1), 74, 351(1) of Bhartiya Nyaya Sanhita, 2023 and under Sections 4(2) and 8 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The applicant shall not reside in the village Wadad Hasol, Tal. Rajapur till conclusion of trial.
- (d) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
- (e) In case of breach of any of the conditions by the applicant, 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 applicant.
- (f) The applicant shall be at liberty to approach the Trial Court for relaxation of the aforesaid conditions.

10. 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.

11. Professional fees to be paid to learned counsel appointed through High Court Legal Services Committee, Mumbai, Circuit Bench at Kolhapur for respondent no. 2, as per Rules.

[SACHIN S. DESHMUKH, J.]