

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

CRIMINAL BAIL APPLN. NO. 3024 OF 2025

Vinayak Haribhau Pawar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

Mr. Ramanik Pawar a/w Mr. Amit Waykool, Mr. Parvej Nadaf, Mr. Dinesh Sonarlikar and Mr. Rahul Gupta i/b. Ms. Samiksha Pawar, Advocate for Applicant

Mr. N.B. Patil, APP for State

Ms. Sharvari Tipugade, Appointed advocate for respondent No. 2

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2026

ORDER :

1. This is a third bail application preferred by the applicant. Applicant seeks bail in Crime No. 32 of 2022 registered with Patan Police Station under Section 366-A, 370(1)(A), 376(2)(l)(j)(n), 376(3), 376-D, 376(D)(A), 506 read with 34 of the Indian Penal Code, under Section 4, 6 and 17 of Protection of Children From Sexual Offences Act and under Section 5(c)(g)(j) of the Immoral Traffic (Prevention) Act.

2. Prosecution case in short is that victim is a differently abled minor girl of 13 years 5 months and Accused No. 1 was well aware of this fact. By taking money, she helped applicant and co-accused to

sexually assault the victim. The applicant and co-accused repeatedly raped the victim at various places.

3. Heard learned advocate for the applicant, learned APP for State and learned advocate appointed to represent respondent No. 2. Perused the record.

4. Learned advocate appointed to represent the second respondent/victim, on instructions from the informant i.e. mother of the victim submits that she is supporting the bail application and she has no objection if the applicant is released on bail.

5. The first bail application bearing Bail Application No. 2314 of 2022 filed by the applicant was rejected on merits by this Court on 06.02.2025 by making following observations;

"4. It is contention of the learned APP along with learned counsel for Respondent No.2 that, at the time of the incident the victim was 13 years and 5 months old. She is 25% differently abled child. The Accused No.1 was aware about it. The Applicant and co-accused repeatedly sexually assaulted her at various places by paying money to the Accused No.1. Victim was gang raped. The maximum punishment for the offence registered against the Applicant is life imprisonment. The Trial is in progress. Two witnesses have been examined. The learned APP further submitted that, due to sexual assault the victim got pregnancy of six weeks. Hence, requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet. Allegations against the Applicant are that by paying money to the Accused No.1 he alongwith co-

accused sexually assaulted the victim who was 13 years and 5 months old at the time of incident. She was 25% differently abled. The victim has identified the Applicant in T.I. Parade. The trial is in progress. Two witnesses have been examined. The maximum punishment for the offences registered against the Applicant is life imprisonment. Considering these facts, I pass following order.

ORDER

*(i) The Application is rejected.
(ii) All pending Applications are disposed of.
(iii) The Trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order."*

6. Thereafter, applicant preferred second bail application bearing Criminal Bail Application No. 1598 of 2025 which was permitted to be withdrawn on 21.04.2025 with liberty to file fresh bail application before the Trial Court on fresh ground.

7. Applicant, therefore, preferred Bail Application at Exhibit-116 before the Sessions Court, Karad on various grounds including that he is innocent, he is falsely implicated, there is no connecting evidence against him, there is delay in lodging FIR, loopholes in conducting test identification parade and he has no criminal antecedents. Sessions Court has rejected the application on merits.

8. The evidence of victim was recorded on 06.10.2024 and thereafter Criminal Bail Application No. 1598/2025 was argued before

this Court on 21.04.2025. It is therefore clear that since these grounds did not appeal to this Court, applicant has withdrawn the application with liberty to file fresh application before the Trial Court on fresh ground.

9. No fresh ground is made out by the applicant in the present application. The same grounds are urged by the applicant before this Court. Learned advocate for the applicant submits that after withdrawal of bail application not a single witness is examined before the Sessions Court and therefore trial is not likely to conclude in near future. He therefore, submits that applicant be released on bail.

10. So far as delay in trial is concerned, it is a matter of record that co-accused and applicant had preferred transfer petition, which was pending for almost 9 months and it was subsequently rejected and therefore, there was no progress in the trial. Therefore, this ground is not available to the applicant.

11. In view of gravity of accusations levelled against the applicant and the fact that while in jail, applicant could influence the informant and victim, there is possibility that he may influence the prosecution witnesses, if he is released on bail. Therefore, this is not a fit case to exercise discretion in favour of the applicant, also on the

ground that applicant has failed to make out any fresh ground. Application is therefore rejected.

12. Fees of learned advocate appointed to represent respondent No. 2 be paid by Legal Aid, as per schedule, within eight weeks from today.

(NITIN B. SURYAWANSHI, J.)