

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

CRIMINAL BAIL APPLICATION NO. 3673 OF 2025

Ujer Parvez Dafedar

VERSUS

The State of Maharashtra

...

Mr. Ritesh Thobde, a/w Mr. Changdev Shingade and Mr. Darshan Rajpurohit, Ms. Divyashree Dhumal, Advocate for Applicant.

Mr. Shubham Dhobale, Advocate for Respondent No.2.

Dr. A.A. Takalkar, APP for the Respondent No.1 – State.

Mr. M. B. Gadhave (PSI), M.I.D.C. Police Station, District Solapur, present.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 15th APRIL, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 892 of 2024 registered with M.I.D.C. Police Station, District Solapur, for the offences punishable under Sections 137, 49, 64, 64(2)(z), 64(2)(d), 65(1), 71, 74, 137 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. Investigation is completed and the charge-sheet is filed. The applicant is in custody since his

arrest on 10.01.2025 i.e. for more than one year and three months. The applicant and victim were in consensual relationship. Thus, prayed to allow the application.

3. Per contra, learned APP and the counsel representing respondent No.3 opposed the application submitting that the offence is serious in nature. The applicant took an undue advantage of the minor victim and committed sexual assault against her. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of applicant fleeing away or influencing the victim. Hence, prayed to reject the application.

4. Having heard the submissions from the respective sides and upon perusal of the record including charge-sheet indicates that initially the FIR was lodged for the offence of kidnapping against an unknown person. During investigation, the victim was found in the custody of the applicant.

5. Perusal of the statement of victim recorded before the Magistrate *prima facie* indicates that the victim has admitted to be in relationship with the applicant and had categorically stated that she accompanied the applicant to get married. The allegations regarding sexual assault are vague and general. Thus, the possibility

of the complaint being lodged under the duress cannot be ruled out.

6. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the age of the applicant and his period of detention from his arrest on 10.01.2025 i.e. for more than one year and three months, in my considered opinion may amount pre-trial detention, which is neither justified nor warranted. Hence, I am inclined to exercise the discretion in favour of the applicant.

7. As far as the apprehension expressed by the learned A.P.P. in relation to fleeing away or influencing the victim is concerned, the same can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded

8. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Ujer Parvez Dafedar 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. 892 of 2024 registered with M.I.D.C. Police Station, District Solapur, for the offences

punishable under Sections 137, 49, 64, 64(2)(z), 64(2)(d), 65(1), 71, 74, 137 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 12 and 17 of the 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 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 applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. 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.

IV. Learned counsel appointed to represent Respondent No.2 through legal-aid be paid professional fees as per Rules.

[SACHIN S. DESHMUKH, J.]