

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

CRIMINAL BAIL APPLICATION NO. 3687 OF 2025

NAGNATH SARJERAO FANASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Om Mangave, Ms. Sayal F. Magdum
Advocate for Respondent No.1 : Mr. Anand S. Shalgaonkar
Advocate for Respondent No.2 : Mr. Yash G. Fadtare (Appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-03-2026

PER COURT:-

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No.140 of 2023 registered with Akalkot North Police Station, District Solapur, for the offences punishable under Sections 354, 376 and 506 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012. In the said crime, the applicant is arrested on 21.04.2023. Upon completion of the investigation, the chargesheet is filed.

2. The prosecution case is that the applicant committed sexual assault against a 12-year-old minor victim. The allegation is that the applicant lured the victim to a cattle shed and coerced the victim into sexual relations through threats of violence against the victim's family members.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. The investigation is now complete and the chargesheet has been filed. Further, the medical evidence fails to corroborate the alleged incident, as the medical report indicates no injuries were found. Considering the absence of eyewitnesses and medical support for the allegations, prayed that the applicant be admitted to bail.

4. Learned A.P.P. for respondent No.1 and the learned counsel for respondent No. 2 opposed the application and submitted that it is a successive bail application. The victim's testimony carries significant weight and must be accepted at this stage. In support of this contention, learned A.P.P. relies on the judgment of the Hon'ble Apex Court, in the case of **Deepak Kumar Sahu vs. State of Chhattisgarh (2025) Live Law (SC) 776**, contended that insufficiency of medical evidence or absence of external injury marks does not invalidate a creditworthy victim's testimony in rape cases and the victim's statement is sufficient for consideration.

5. Having heard counsel for both parties and perused the material on record, including the charge sheet and medical report, it, *prima facie*, indicates that the medical evidence does not support the prosecution's case. Regarding objection that this is a successive application, it is noted that the earlier order had

granted liberty to applicant to apply after one year if the trial fails to proceed substantially.

6. When confronted on the trial's progress, the learned A.P.P. submitted that only two witnesses have been examined. The Applicant is 50 years old and is in custody for more than two years nine months, since his arrest. As such, further incarceration of the applicant would amount to pre-trial detention and the same is unwarranted.

7. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable.

8. Hence, the following order:-

ORDER

- (i) Criminal Bail Application is allowed.
- (ii) Applicant, Nagnath Sarjerao Fanase, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties in the like amount, in connection with Crime No.140 of 2023 registered with Akalkot North Police Station, District Solapur, for the

offences punishable under Sections 354, 376 and 506 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicant shall not enter the village Haspur, Taluka Akkalkot North, District Solapur, till conclusion of trial.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant 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 this Court seeking cancellation of bail.
- (iii) The High Court Legal Services Sub-Committee, Circuit Bench Kolhapur, to pay the fees to the learned counsel appointed for respondent No.2/victim, in accordance with rules.

[SACHIN S. DESHMUKH]
JUDGE

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