

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3689 OF 2025**

Shamrao Narayan SutarApplicant
Vs.
The State Of Maharashtra & Ors.Respondents

Mr. Tejas Hilage, for the Applicant.
Ms. Radhika Kurdukar (through VC) for Respondent No.2
Mr. Chandrakant D. Mali, APP, for the Respondent-State.
Mr. A. S. Nande, HC 682, Dy.SP office Karvir.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 4th FEBRUARY 2026

PC.:-

1. The Applicant has been arrested in C.R. No. 335 of 2025 for the offences punishable under Sections 74 and 75 of the Bharatiya Nyaya Sanhita; Sections 3(1)(w)(i) and 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The victim who is 12 years and 6 months of age was sexually abused by the Applicant. The Applicant is the neighbour of victim called her and touched her inappropriately. He outraged her modesty and behaved in such a manner which amounts to sexual assault. It

happened in the house of accused, she went to her house and informed about it to her paternal uncle. Thereafter, the crime was registered.

3. Mr. Tejas Hilage, learned counsel appearing for the Applicant has took me through the medical report of the Applicant. As per the medical report, the Applicant is aged about 62 years, is a paralysed person and requires assistance to walk. It is submitted by the learned counsel for the Applicant that, in view of his medical condition, he is incapable of committing any sexual activity. The act alleged in the FIR considering the medical condition of the Applicant, who is 62 years of age is not possible, hence a prayer is made for his release on bail.

4. The learned counsel appearing for Respondent No.2 has submitted that the act allegedly committed by the Applicant does not require any physical support, as the sexual assault was committed when the victim was alone. It is further submitted that the Applicant is a Carpenter by profession and was working at the time of incident which shows that he was physically capable of committing the alleged act. Considering the nature of the act attributed to the

Applicant, it is prayed that the Application be rejected.

5. Mr. Chandrakant Mali, learned APP opposes the Application, submitting that a heinous offence has been committed by the Applicant. Hence, a prayer is made for rejection of the Application.

6. Heard both the counsel.

7. On perusal of the record, it appears that the victim is aged about 12 years. The victim has narrated the incident alleging commission of a heinous act by the Applicant. The learned counsel appearing for Respondent No.2 has rightly pointed out that the medical disability of the Applicant does not prevent him from committing the alleged act. Considering the nature and seriousness of the allegations leveled against the Applicant, this is not a fit case for grant of bail. Hence, the Application is **rejected**.

(MRS. VRUSHALI V. JOSHI, J.)