

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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3716 OF 2025

Sachin Ramchandra Yadav

...Applicant

Versus

State Of Maharashtra And Another

...Respondents

Mr. Ramanik Pawar, Advocate i/b Mr. Amit Waykool, Advocate for Applicant

Mr. A. S. Shalgaonkar, APP for Respondent/State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th MARCH, 2026.

PC.:

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 81 of 2025 dated 21.05.2025 registered with Palus Police Station, District Sangli, for the offences punishable under Sections 64(2), 64(2)(f), 64(2)(j), 64(2)(m), 65(2), 351(2), 351(3) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4(2), 5(1), 5(m), 5(n), 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. The informant is mother of the victim having age of 10 years, 8 months. The accused is the father of the victim. The informant, the

victim, her husband, father-in-law, mother-in-law and son are residing together. The accused is a labour. The victim is prosecuting studies. On 23.03.2025, the informant alongwith the victim had gone to her parental home in Pune district. The victim was after appearing for exam was taken to Palus. On 01.05.2025, the informant did not find the victim in the house and met the victim in the house of her sister-in-law on 02.05.2025. At that time, the victim narrated her that she should not be taken to the house and she felt fear of her father. When the informant insisted for returning to home and inquired her, she told her that the accused had established physical relations with her by taking her away during night hours. According to the victim, the accused again established physical relations at about 08.00 p.m. and threatened not to disclose.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the crime at the instance of informant's step-sister. It is further submitted that investigation is complete and chargesheet is filed. Hence, prayed to allow the application.

4. Per contra, learned APP has vehemently opposed this application, submitting that applicant is the father of the victim and is alleged to have committed the sexual assault involving his own minor

daughter. The medical examination report supports the case of prosecution. Hence, the applicant does not deserve to be released on bail.

5. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of sexual assault which is punishable with 20 years imprisonment. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)”

6. Equally, the Hon'ble Apex Court, in the case of **State of UP**

through **CBI Vs. Amaramani Tripathi [(2005) 8 SCC 21]**, has held that the Court must evaluate the *prima facie* evidence indicating the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has *prima facie* collected overwhelming evidence against the present applicant.

7. The Hon'ble Apex Court, in the case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail. In the present case, the trial is progressing and further the prosecution has demonstrated the efforts to conclude the trial. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

8. Taking into account the material available on record collected by the prosecution, a *prima facie* case is made out indicating involvement of the applicant. The Apex Court has consistently reiterated that while considering the bail application in serious offences, the Court must treat vital considerations like nature of charge and nature of offence as paramount.

9. In view of the aforesaid circumstances and particularly the medical examination prima facie supports the prosecution case involving his own minor daughter of the accused in sexual assault, therefore I am of the considered opinion that the application does not warrant consideration.

10. Resultantly, the bail application stands dismissed.

(SACHIN S. DESHMUKH, J.)

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