

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

CRIMINAL BAIL APPLICATION NO. 3773 OF 2025

Madanmohan Haripad Hajra

VERSUS

State of Maharashtra and Anr.

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Mr. Someshwar Wale, Advocate for Applicant.

Ms. Pratiksha Chaugule for Respondent No.2.

Mr. Nitin. B. Patil, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 278/2025 dated 11/08/2025 registered with Gokul Shirgaon Police Station, District Kolhapur for offences punishable under Sections 75, 64(1) of Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution is that on 10th August 2025, at approximately 12:30 hours, the applicant allegedly committed a sexual assault with the Complainant's minor daughter.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the alleged incident. The fact that the victim was not subjected to medical examination deserves to be considered and the material inconsistency revealed during the statement of witnesses in relation to occurrence of alleged incident entails the applicant to be admitted to the bail. There is no explanation for delay in lodging the FIR. The Investigation is complete and charge-sheet has been filed, further custody of the applicant is not warranted.

4. Learned APP and learned counsel for Respondent No.2 vehemently opposed the application submitting that the victim is minor girl and the applicant is aged about 58 years old. The applicant has committed a heinous act and the impact of his release on the mind of the victim and her family may also be considered. Hence, prayed to reject the application.

5. Having heard the submissions from respective sides and upon perusal of the record including charge-sheet prima facie indicates that there are material inconsistencies in relation to the sequence of events leading to the alleged incident. Apart from the aforesaid aspects, the victim was not subjected to medical examination.

Moreover, there is delay in lodging the FIR and the applicant has no criminal antecedents. Therefore, there is a possibility of false implication.

6. Considering that the applicant is a 58 years old person suffering with the infirmities of his age and has undergone the detention for a period of almost six months coupled with the fact that the investigation is complete for all intents and purposes as well as considering that the trial is unlikely to conclude within a reasonable period, I am, persuaded to exercise the discretion in favor of the applicant. However by imposing stringent conditions.

7. Hence, the following order:

ORDER

I. The bail application is allowed.

II. Applicant - Madanmohan Haripad Hajra 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. 278/2025 dated 11/08/2025 registered with Gokul Shirgaon Police Station, District Kolhapur for offences punishable under Sections 75, 64(1) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

(a) The Applicant shall not enter the locality where the victim/informant resides, and shall not leave the jurisdiction of Gokul Shirgaon Police Station till the conclusion of the trial.

(b) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers 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 approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. The Secretary, High Court Legal Services Sub-Committee, Circuit Bench at Kolhapur to pay the fees to the learned counsel appointed for the applicant and respondent No.2/victim, as per schedule.

IV. Needless to state that the observations rendered herein are restricted to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]