

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

CRIMINAL APPEAL NO. 37 OF 2026

TATYA SHAMRAV JAGATAP
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Sanjeev Kadam, Mr. Shailesh Chavan,
Mr. Sujit Nikam, Ms. Aarya Ambulkar
APP for Respondent No.1 : Mr. Nitin B. Patil
Advocate for Respondent No.2 : Ms. Simran Sameena (appointed)
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-04-2026

PER COURT:-

1. The appellant has raised an exception to the rendered by the learned Special Judge, Barshi, District Solapur, in Criminal Bail Application No.917 of 2025, dated 22.01.2026, rejecting anticipatory bail in connection with Crime No.713 of 2025 registered with Tembhurni Police Station, for the offences punishable under Section 65(1), 64(2)(m), 74, 75(2), 78(1), 126(2), 115(2), 351(2), 352, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 and Section 4(2), 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The prosecution case is that the informant is a minor girl aged 15 years and 3 months who resides with her parents in a field belonging to Atul Khupase, where her father is employed as a driver. Through this residence, she became acquainted with Nikhil Sudhir Landage, a resident of Dahiwadi, and his associates, Shahid Baba Mulani and Amol Dhanji Garad, who were frequently seen in the area.

The informant alleged that the harassment began approximately seven to eight months prior to the complaint. During the summer, while she was returning from a grocery shop, Nikhil Landage, accompanied by Shahid Mulani and Amol Garad, intercepted her. During this encounter, Nikhil restrained her and insisted on marrying her.

The complaint outlines subsequent encounters between May and September 2025. It is alleged that during these instances, the informant was intercepted and subjected to further harassment and intimidation. The informant stated that digital devices were used during these events and that threats were extended regarding the use of influential connections to prevent legal consequences.

In November 2025, the informant reported being stalked and intercepted while traveling on her vehicle. The allegations suggest that several individuals were involved in this

confrontation, which included physical restraint and the use of abusive language. These actions reportedly led to the victim seeking immediate assistance from local authorities.

Following the series of reported events, a formal complaint was lodged at the police station. The allegations involve multiple sections of the law, including those related to the protection of minors and regulations regarding derogatory speech against specific communities. The investigation aims to verify these claims and the roles of the various individuals named in the report.

The accused intentionally abused, insulted, humiliated, and threatened and outraged modesty of the victim and attempted to commit sexual intercourse with the complainant by using caste-based abuses. Hence, lodged the complaint.

3. The learned counsel for the appellant submits that the appellant has been falsely implicated in the alleged offence. It is further submitted that the present case is a counter-blast to a complaint previously lodged by one of the accused, Nikhil. On the grounds of parity, the counsel points out that the co-accused, Amol and Shahid, have already been granted anticipatory bail by the trial court. Hence, prayed to allow the appeal.

4. The learned APP for respondent No.1 and the learned counsel for respondent No.2 vehemently opposed the appeal,

contending that the victim has specifically assigned a role to the appellant. The accused has active role in the said crime. The appellant knowing that the victim is minor, even-though appellant with other accused outraged the victim's modesty on successive occasions. For proper investigation, the appellant's presence with the Investigating Officer is essential one. The nature of the allegations disentitles the appellant from the grant of pre-arrest bail.

5. Upon considering the submissions and perusing the material on record, it appears *prima facie* that there is substance in the contention regarding the counter-complaint bearing Crime No.711 of 2025 registered with Tembhurni Police Station, by co-accused Nikhil and the delay in lodging prompt report in relation to the alleged incidents. Additionally, since the co-accused have already been protected by the Special Court, the appellant is entitled to seeking protection on the principle of parity.

6 The apprehensions raised by the prosecution can be adequately addressed by imposing stringent conditions. The appellant shall not tamper with the evidence or influence witnesses in any manner. In the event of a breach of any condition, the prosecution shall be at liberty to move the concerned court for cancellation of bail.

7. It is clarified that the trial court shall proceed with the matter on its own merits, uninfluenced by the observations made by this Court in the present order. Hence, the order:-

ORDER

- (i) The criminal appeal is allowed.
- (ii) The order passed by the learned Special Judge, Barshi, District Solapur, in Criminal Bail Application No.917 of 2025, dated 22.01.2026, stands quashed and set aside.
- (iii) In the event of arrest of the appellant, Taty Shamrav Jagatap, in connection with Crime No.713 of 2025 registered with Tembhurni Police Station, for the offences punishable under Section 65(1), 64(2)(m), 74, 75(2), 78(1), 126(2), 115(2), 351(2), 352, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 and Section 4(2), 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be enlarged 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, on the conditions that;
 - (a) The appellant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

- (b) The appellant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The appellant shall attend the concerned police station as and when called by the Investigating Officer in writing.
- (d) The appellant 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 appellant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iv) 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.
- (v) The Secretary, High Court Legal Services Committee, Circuit Bench at Kolhapur, to pay the fees to the learned counsel appointed for respondent No.2/victim, in accordance with rules.

[SACHIN S. DESHMUKH]
JUDGE