

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 29 OF 2026

BALU BIRA MASAL
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

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Advocate for Applicant : Mr. Ritesh M. Thobde a/w Mr. Changdev Shingade a/w Mr. Mervin Bordeskar & Mr. Puskraj Yadav Deshmukh
APP for Respondent-State : Mr. N. B. Patil
Advocate for Respondent No. 2 : Mr. Ismail Kadage

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CORAM : SACHIN S. DESHMUKH, J.
Date : 25th March, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 21.07.2025 bearing Crime No. 577 of 2025 registered with Pandharpur Taluka Police Station, Dist. Solapur for the offences punishable under Sections 137(2), 64 and 87 of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. A missing report filed by the victim's sister, which led to the registration of the initial FIR. This report established that the victim had disappeared from her home under suspicious circumstances. Despite an immediate search, could not traced out.

Upon being found, the victim delivered a statement to the police naming the accused. Detailed how she had been held and subjected to sexual relations against will. Based on this disclosure, the police expanded the investigation to include charges of sexual assault. After recording the victim's statement and collecting the necessary evidence, the investigation was concluded and the charge-sheet is filed.

3. The learned counsel for the applicant submits that the initial FIR only concerned the missing sister of the informant and contained no allegations linking the applicant to her disappearance. It is further contended that the victim accompanied the applicant for over nine to ten days and was fully aware of the consequences of her relationship with applicant. The investigation is complete, the charge-sheet has been filed, and nothing further is to be recovered from the applicant. As such, prayed that application may be allowed.

4. The learned APP and learned counsel for respondent No. 2 vehemently opposed the application, submitting that the accused sexually exploited the victim. Committed the serious offence, it is contended that the applicant's release on bail would create a significant risk of tampering with evidence. Consequently,

pray for the application to be rejected.

5. Considering the submissions from both sides and perusing the record, including the charge-sheet, prima facie, appears that the victim accompanied the applicant and they stayed together for almost 9 to 10 days. Upon return, the victim implicated the applicant, asserting sexual assault.

6. Prima facie, the victim appears to have consciously participated in the acts, indicating conscious of the consequences of her actions. Thus, the emerging factual matrix prima facie does not, reflect active inducement or coercive conduct on the part of the accused.

7. Nevertheless, the investigation of the case has been completed for all intent and purpose and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's deserves to be entitled for bail. The learned APP's and learned counsel for respondent No. 2's apprehension about tampering with the prosecution evidence can

be adequately taken care of by imposing stringent conditions.

9. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Balu Bira Masal be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 577 of 2025 registered with Pandharpur Taluka Police Station, Dist. Solapur for the offences punishable under Sections 137(2), 64 and 87 of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 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 into the village Tanali, Tq. Pandharpur, Dist. 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 concerned Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi