

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

CRIMINAL BAIL APPLN. NO. 47 OF 2026

Vishwanath Alias Vishnu Kakaso Chougule

VERSUS

State Of Maharashtra And Anr

Mr. Vaibhav Ramchandra Gaikwad with Mr. Kapil Indapurkar, Mr.
Ganesh Tikole, Advocate for Petitioner
Mr. Shahaji Pawar for respondent no. 2
Mr. Anand S. Shalgaonkar APP for the State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11th MARCH 2026.

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 644/2025 registered with Mangalwedha Police Station, District Solapur for offences punishable under Sections 64, 65(1), 78(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Prosecution is that, when the victim was going to school accompanied with her sister, at that time applicant reached there and told her sister to go to school and informed victim that her aunt called her and carried her on motorcycle. The applicant took her at his house. After victim realised that her aunt is not at home, she confronted the applicant about the same, applicant against her

wish forcibly committed sexual intercourse with her. The victim disclosed said fact to her parents.

3. Learned counsel for the applicant submits that there is unexplained delay in registering F.I.R. which indicates and establish false implication of the applicant. Apart from aforesaid aspect, medical examination report of the victim is also inconclusive, which entitles the applicant to be admitted to the bail.

4. *Per contra*, learned APP alongwith learned counsel for respondent no. 2 opposed the application submitting that the applicant has sexually assaulted the minor girl and further intimidated the family of the informant, therefore, there is delay in lodging F.I.R. As such, the applicant does not deserve to be admitted to the bail.

5. Upon considering the submissions of learned counsel for the applicant, learned APP and learned counsel for respondent no. 2, and perusal of material on record, *prima facie* it appears that the report is lodged with an unexplained and inordinate delay. Apart from the said fact, medical examination report *prima facie* does not support the case of the prosecution conclusively.

6. Arrest of the applicant is effected on 23/08/2025. Investigation is complete for all intent and purpose. Resultantly, charge-sheet is filed.

7. Considering the number of witnesses cited by the prosecution, it is unlikely that commencement and conclusion of trial will take place within a reasonable period.

8. In that view of the matter, I am, persuaded to exercise the discretion in favour of the applicant.

9. So far as the apprehension expressed by the learned APP about influencing prosecution witnesses, can be adequately taken care of by imposing stringent conditions.

10. Hence, following order:

ORDER

I. The bail application is allowed.

II. Applicant, Vishwanath Alias Vishnu Kakaso Chougule 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. 644/2025 registered with Mangalwedha Police Station, District Solapur for offences punishable under Sections 64, 65(1), 78(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in

any manner.

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

c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned seeking cancellation of bail.

11. 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.

IRESH
MASHAL

(SACHIN S. DESHMUKH, J.)

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