

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

CRIMINAL BAIL APPLICATION NO. 214 OF 2026

Nitin Suresh Chavan
VERSUS
The State of Maharashtra And Ors.

WITH
CRIMINAL BAIL APPLICATION NO. 276 OF 2026

Kiran Suresh Chavan
VERSUS
The State of Maharashtra And Others

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Mr. Saurabh P. Tandale a/w Mr. Abdul Qudhir Auti and Mr. Pratik Jadhav, Advocate for Applicants.

Ms. Vaishnavi M. Mali for Respondent No.3 through legal-aid.

Mr. S. H. Yadav, APP for the respondents-State.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 30th MARCH, 2026.

P. C. :

1. The applicants seek regular bail in connection with C.R. No. 69 of 2025 dated 11.02.2025, registered with Faujdar Chawadi Police Station, District Solapur, for the offences punishable under Sections 376(2)(n), 376(2)(i), 376(2)(j), 323, 504, and 506 read with Section 34 of the Indian Penal Code, 1860, and Sections 4 and

6 of the Protection of Children from Sexual Offences Act, 2012, as well as Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006.

2. Learned Counsel for the applicants submits that the applicants have been falsely implicated in the present case. There are no allegations of sexual assault or consequential offences against the applicant – Nitin. The allegations regarding Kiran are exaggeration and the victim was in consensual relationship. It is further submitted that there is an unexplained and inordinate delay in lodging the F.I.R. The investigation is complete for all intents and purposes and the charge-sheet has already been filed. Hence, further detention of the applicants is not warranted.

3. Per contra, the learned A.P.P., assisted by the learned counsel for Respondent No. 3, opposed the application, submitting that the offence is serious in nature. It is contended that the Applicant -Kiran is the husband of the victim and forcefully married the minor and thereby committed sexual assault against her will. The learned A.P.P. has further expressed an apprehension that, in the event the applicants are released on bail, they may influence or threaten the witnesses. Hence, it is prayed that the application be rejected.

4. Upon considering the submissions of both sides and perusal of the material on record, including the charge-sheet, *prima facie* indicates that the applicant – Kiran is the husband of the victim while the applicant – Nitin has only allegations of harassing and inducing the victim to get married.
5. Further perusal of the record indicates that the allegations of sexual assault are levelled after an inordinate and explained delay.
6. Notwithstanding the same, the aspect of the validity of marriage and the consequential relation can be dealt into during the trial. Given the overall circumstances, and considering that the other family members are also arraigned as accused coupled with the fact that there is inordinate delay in lodging the FIR, the possibility of over implication cannot be ruled out. Therefore, I am persuaded to exercise discretion in favour of the applicants.
7. Nevertheless, the investigation is complete for all intent and purpose, resultant charge-sheet has been filed. The applicants are in custody for more than a year.
8. Having regard to the number of witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. Insofar as

the apprehension expressed by the learned A.P.P is concerned, the same can be adequately addressed by imposing stringent conditions.

Hence, the following order :-

ORDER

I. Both bail applications are allowed.

II. applicants - Nitin Suresh Chavan and Kiran Suresh Chavan be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with C.R. No. 69 of 2025 dated 11.02.2025 registered with Faujdar Chawadi Police Station, District Solapur for the offences punishable under Sections 376(2)(n), 376(2)(I), 376(2)(j), 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 *and Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006* on the following conditions :-

a) The applicants shall not, in any manner, pressurize the prosecution witnesses or tamper with the prosecution evidence.

(b) The applicants shall attend the trial on each and every date, unless exempted by the Trial Court.

(c) The applicants shall furnish their Aadhaar and PAN Cards to the Investigating Officer, along with their detailed residential address where they intend to reside,

as well as their contact numbers and those of two close relatives.

(d) In the event of any threat or apprehension to the victim or prosecution witnesses, and/or in case of breach of any of the conditions by the applicants, it shall be open to the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that bail has been granted by this Court.

III. 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.

IV The fees of the learned counsel appointed to represent Respondent No. 3 through legal aid are quantified at Rs.7,500/-.

[SACHIN S. DESHMUKH, J.]