

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 223 OF 2026

SHRINATH JAGDISH GHONE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Ganesh T. Jadhav
APP for Respondent-State : Mr. Nitin B. Patil
Advocate for Respondent No. 2 / Ori. Informant : Ms. Ankita
Chindage (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.
Date : 1st April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 09.07.2025 bearing Crime No. 109 of 2025 registered with Patan Police Station, Dist. Satara for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The report lodged by the victim's mother following the revelation of the victim's pregnancy. On 01.07.2025, the victim suffered with persistent vomiting, and when local medical

treatment failed to provide relief, the informant became suspicious. A pregnancy test was conducted on 08.07.2025, yielded a positive result, which was subsequently confirmed by doctors, who determined the victim was nine weeks pregnant.

3. Upon being taken into confidence by mother, the victim disclosed a series of sexual assaults that began in April 2025. At the time, the victim was a student at Z. P. School, Aaddev No. 2, where she had acquaintance with the applicant, who was employed as a painter on the school premises. The victim alleged that on 22.04.2025, after school hours, the applicant forcibly restrained the victim within a classroom and committed penetrative sexual assault. The victim further alleged that the applicant repeated these acts of sexual assault on three subsequent occasions: 30.04.2025, 07.05.2025 and 14.05.2025. To ensure her silence, the applicant reportedly threatened the victim with dire consequences if she disclosed the abuse to anyone. Accordingly, the FIR came to be lodged.

4. The learned counsel for the applicant submits that the applicant is falsely implicated in the offence. There is delay in lodging the FIR. While the alleged incidents are said to have occurred between 22.04.2025 and 14.05.2025, the FIR was only

registered in July 2025. This substantial gap of almost three months indicates that it is case of over implication. The investigation is complete, the charge-sheet has been filed, and nothing further is to be recovered from the applicant. The arrest of the applicant is effected on 09.07.2025 and since then, is in jail. Further incarceration of the applicant is not warranted. As such, prayed that application may be allowed.

5. The learned APP and the learned counsel appointed on behalf of original informant vehemently opposed the application, submitting that the accused sexually exploited the victim under the threat and has thereby, committed an offence of serious nature. It is contended that the applicant's release on bail would create a significant risk of tampering with witnesses. Consequently, the APP prays for the application to be rejected.

6. Considering the submissions from both sides and perusing the record, including the charge-sheet, prima facie, there is a significant and unexplained delay in the registration of the FIR. While the prosecution alleges that the acts of sexual assault occurred between 22.04.2025 and 14.05.2025, the matter was reported to the police in July 2025 following the discovery of the victim's pregnancy.

7. Furthermore, predominantly, there is lack of scientific corroboration to link the applicant to the alleged offence in view of DNA Analysis. The DNA analysis confirms a match between the fetus and the accused, Chandrakant, while specifically excluding the applicant. As such, there is a clear prima facie indication that the applicant has been falsely implicated. The applicant has been in judicial custody for a sufficient duration, and the prima facie investigation concerning the role appears to be substantially complete. Since the applicant's statement has been recorded and relevant school records have been seized, his continued incarceration would serve no further investigative purpose and would instead amount to pre-trial punishment. Considering that the applicant is a painter with no prior criminal antecedents and has permanent roots in the community, there is no immediate material to suggest he poses a flight risk.

8. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. 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. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the

case does not seem to be either warranted or justifiable.

9. In that view of the matter, I am persuaded to exercise the discretion in favor of the applicant. The apprehension expressed by the learned APP and learned counsel appointed on behalf of informant about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. The Bombay High Court Legal Services Committee, Circuit Bench at Kolhapur, to pay the fees quantified at Rs. 10,000/- (Ten Thousand Only) to the learned counsel appointed on behalf of respondent No. 2.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Shrinath Jagdish Ghone 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. 109 of 2025 registered with Patan Police Station, Dist. Satara for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 351(2)(3) of the 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) 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.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
 - (e) If it is noticed that the applicant is involved in any offence of a similar nature in the future, the Trial Court / Special Court shall be at liberty to take appropriate action for cancellation of bail, either suo motu or upon any application made by the prosecution, and shall decide the same on its own merits, notwithstanding the fact that the present bail has been granted by this Court.
- (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