

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

CRIMINAL BAIL APPLICATION NO. 251 OF 2026

Shahaji Namdev Khilare

VERSUS

The State of Maharashtra and Anr.

...

Mr. Nikhil Pawar, Advocate for Applicant.

Ms. Asmita A. Killedar, Advocate for Respondent No.2.

Mr. Nitin B. Patil, APP for the respondent No.1-State.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th APRIL, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 496 of 2024 registered with Pandharpur Taluka Police Station, District Solapur for the offences punishable under Sections 363, 376(2)(j)(k)(n) of the *Indian Penal Code and* Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There is inordinate delay in registration of the FIR. The nature of relationship was consensual and intended to marry each other. Hence, the offences levelled against the applicant are not made out. The trial is unlikely to

conclude within a reasonable period. Hence, prayed to allow the application.

3. Per contra, learned APP and learned counsel for Respondent No.3 opposed the application submitting that the offence is serious in nature. Given the overwhelming evidence against the applicant and the potential for punishment, the applicant is not entitled for bail. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the application.

4. Upon considering submissions of both sides and perusal of the material on record, including charge-sheet, indicates that the applicant is 24 years of age and has been in custody since arrest on 12.06.2024 i.e. for more than one year and nine months.

5. Perusal of record further indicates that, initially, the FIR was lodged against the applicant for the offence of kidnapping. However, on the basis of statement of victim at later juncture, the other offences came to be added. It is pertinent to note that the victim had accompanied the applicant on her own volition and had spent considerable period with him.

6. Further perusal of the statement of the victim *prima facie* indicates that the victim herself has admitted the love relation with the applicant. Thus, there is absence of coercion or force on the part of the applicant.

7. Given the age of applicant and the prolonged incarceration coupled with the fact that the trial is yet to commence, further detention of the applicant may amount to pre-trial detention which is neither justified nor warranted.

8. Apart from the aforesaid aspects, having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Shahaji Namdev Khilare be released on bail, on furnishing PR. 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. 496 of 2024 registered with Pandharpur Taluka Police Station, District Solapur for the offences punishable under Sections 363, 376(2)(j)(k)(n) of the *Indian Penal Code and* Sections 4, 8 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 not enter the jurisdiction of Pandharpur Taluka Police Station till conclusion of trial except attending the dates before the concerned Court.

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

(d) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address, where they are likely to reside as well as their own phone numbers and that of their two near relatives.

(e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

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 Professional fees to be paid to learned counsel for the Respondent No.2 appointed through High Court Legal Services Authority is quantified as Rs.7,500/-.

[SACHIN S. DESHMUKH, J.]