

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 258 OF 2026

PRADEEP GORAKH SAWANT
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Laxman Kalel
AGP for Respondent-State : Dr. Ashivini A. Takalkar
Advocate for Respondent No. 2 : Ms. Preetam Raje (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.
Date : 8th April, 2026

ORDER :-

1. The learned counsel Ms. Preetam Raje is appointed to represent the respondent No. 2.
2. The applicant has approached this Court seeking regular bail in connection with FIR dated 14.10.2023 bearing Crime No. 947 of 2023 registered with Sangola Police Station, Dist. Solapur for the offences punishable under Sections 376, 376(2)(j), 376(3), 354(d), 506 of the Indian Penal Code and Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
3. The case of the prosecution is that the victim is a 10th-standard student residing near the accused / applicant.

Approximately four to five months prior to the incident, the accused sent a romantic note to the victim through his nephew. Although the victim informed her parents and the accused subsequently apologized, the family chose not to lodge a report at that time.

4. On 12.10.2023, while the victim's parents were away following a family bereavement, the accused approached the victim at 11:30 p.m. while she was at home with her siblings. Applicant lured victim to his residence under the false pretext that her father was calling his mobile phone which was being charged. Once inside, the accused bolted the door, restrained the victim by covering her mouth, and subjected her to non-consensual physical contact and sexual intercourse. Despite the victim's attempts to resist, the accused threatened to kill her and subsequently committed a second act of forcible sexual intercourse. Applicant further intimidated the victim by threatening to kill both her and her father if she disclosed the incident. Accordingly, the report was subsequently lodged.

5. The learned counsel for the applicant submits that the prosecution's version lacks independent corroboration and relies

solely on the victim's statement. At this stage, without a medical evidence, there is no conclusive prima facie evidence to justify continued detention. Nothing remains to be recovered at the applicant's instance. Hence, it is prayed that the application be allowed.

6. The learned APP has vehemently opposed the application, submitting that these accused have sexually exploited the victim. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

7. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that prima facie there is an inordinate delay in lodging the report; furthermore, in the absence of a medical examination report corroborating the prosecution's case, the allegations against the applicant remains unsubstantiated.

8. Nevertheless, the investigation is complete for all intent and purpose and the charge-sheet 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. The arrest of the applicant has been

effected on 14.10.2023 and since then, he is in jail.

9. As such, further incarceration of the applicant as an under trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. Hence, the applicant deserves to be enlarged on bail by imposing stringent conditions. Hence, the following order: :-

10. The High Court Legal Services Committee, Bombay High Court, Circuit Bench at Kolhapur to pay the fees quantified at Rs. 7,000/- (Rs. Seven Thousands 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 – Pradeep Gorakh Sawant 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. 947 of 2023 registered with Sangola Police Station, Dist. Solapur for the offences punishable under Sections 376, 376(2)(j), 376(3), 354(d), 506 of the Indian Penal Code and Sections 4, 6, 8 and 12 of 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.
- (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.)