

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

CRIMINAL BAIL APPLICATION NO. 268 OF 2026

Sohel Imamsab Attar

VERSUS

The State of Maharashtra And Anr.

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Mr. Prabodhan Jadhav, Advocate for Applicant.

Mr. Nitin B. Patil, APP for the respondents-State.

Ms. Manjusha M. Bhosale, for Respondent/Victim.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th APRIL, 2026.

P. C. :

1. Ms. Manjusha M. Bhosale, is appointed to represent Respondent/victim.
2. The applicant seeks regular bail in connection with C.R. No. 454 of 2021 dated 19.07.2021 registered with M.I.D.C. Police Station, District Solapur, for the offences punishable under Sections 376(2)(l), 376(D), 506 read with Section 34 of the *Indian Penal Code*.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There is delay in lodging the FIR from the date of incident. The allegations levelled against the applicant are after thought. The medical examination report of the

victim does not support the allegations. Since the charge-sheet is filed further incarceration of the applicant is not warranted. Hence, prayed to allow the application.

4. Per contra, learned APP and learned Advocate for Respondent/victim opposed the application submitting that the offence is serious in nature. The applicant along with co-accused has repeatedly committed sexual assault against the handicapped victim. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of applicant fleeing away or influencing the victim. Hence, prayed to reject the application.

5. Having heard the submissions from the respective sides and upon perusal of the record including charge-sheet *prima facie* indicate that there is unexplained delay in lodging the FIR. There are general allegations against the applicant. Further, there is no eye witness to the alleged incident. Perusal of the medical report indicates no injuries on the body of the victim.

6. Further perusal of the record indicates that the victim in her supplementary statement has improvised the allegation of the applicant threatening to kill her and parents. Thus, *prima facie* the possibility over implication cannot be ruled out.

7. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the age of the applicant and his period of detention from his arrest on 19.07.2021 which for more than 4 years and 9 months, in my considered opinion may amount pre-trial detention, which is neither justified nor warranted. Hence, I am inclined to exercise the discretion in favour of the applicant.

8. As far as the apprehension expressed by the learned A.P.P. in relation to fleeing away or influencing the victim is concerned, the same can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded

9. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Sohail Imamsab Attar 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. 454 of 2021 dated 19.07.2021 registered with M.I.D.C. Police Station, District Solapur, for the offences punishable under Sections 376(2)(I), 376(D), 506 read with Section 34 of the *Indian Penal Code*, 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 M.I.D.C. 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. Learned counsel appointed to represent Respondent/Victim through legal-aid be paid professional fees as per Rules.

[SACHIN S. DESHMUKH, J.]