

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

CRIMINAL BAIL APPLN. NO. 297 OF 2026

Amol Shivaji Devkar
VERSUS
State Of Maharashtra And Another

Mr. Ritesh Thobde a/w Mr. Darshan Singh Rajpurohit, Advocate for Applicant
Ms. Supriya B. Koli appointed through respondent no. 2
Mr. Anand S. Shalgaonkar, APP for the Respondent-State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 7th MAY 2026.

P. C. :

1. By this Application, the Applicant seeks regular bail in connection with C.R. No. 226/2022 registered with Foujdar Chawdi Police Station, Solapur District: Solapur for offences punishable under Sections 363, 376 of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the Applicant submits that applicant is falsely implicated in the crime. The victim at the time of incident was about age of 17 years and had sufficient understanding. The

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victim had voluntarily accompanied the applicant and the present F.I.R. is lodged to harass the applicant who is her brother-in-law. The applicant is in custody since his arrest on 21/04/2022 i.e. for more than four years. The trial is taking a considerable period. Hence, prayed to allow the application.

3. Learned APP and learned counsel for Respondent No. 2 opposed the Application submitting that the offence is serious in nature. There is *prima facie* overwhelming evidence against the applicant and accordingly prayed to reject the application.

4. Upon considering the submissions of both the sides and perusal of material on record including charge-sheet indicates that at the time of alleged incident, the victim was on the verge of majority and since, the applicant being close relative of victim, she was aware of his marital status, conscious of consequences, has accompanied the applicant, as such, I am persuaded to exercise discretion in favour of the applicant.

5. Record further indicates that the statements of crucial witnesses is already recorded by the trial Court. The applicant has already undergone a substantial period of incarceration for more

than four years. As such, further detention of the applicant may amount to pre-trial detention.

6. So far as apprehension expressed by learned APP about tampering prosecution witnesses is concerned, it can be adequately taken care of by imposing stringent conditions.

7. Hence, following order.

ORDER

- I. The bail application is allowed.
- II. Applicant, Amol Shivaji Devkar 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. 226/2022 registered with Foujdar Chawdi Police Station, Solapur District: Solapur for offences punishable under Sections 363, 376 of the Indian Penal Code and under Sections 4, 8 and 12 of 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 attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers 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 the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail to the Applicant.

8. 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.

[SACHIN S. DESHMUKH, J.]