

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3305 OF 2025**

Krushna Kondiba Shimpale

....Applicant

VERSUS

The State Of Maharashtra and anr.

....Respondents

Mr. Vipul V. Dushing, Mr. Tanmay Kate along with Mr. Ashraf Kazi,
Mr. Ashish Saxena i/b. Mr. Ajay Gawali, Advocate for Applicant.

Mr. B.B. Kulkarni, APP for Respondent No.1-State.

Mr. Rupesh Zade, Advocate for Respondent No.2.

PSI-Ganesh Karche, Sahakarnagar Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th FEBRUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 4 of 2025 registered with Sahakarnagar Police Station, District Pune, for the offences punishable under Sections 64, 64(2)(f), 351(2)(3) and 70 of the the Bharatiya Nyaya Sanhita, 2023.

2. It is prosecution's case that on 1st January 2025 at 00.10 hours, the applicant and co-accused sexually assaulted the first informant by forcibly pouring liquor in her mouth.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. Initially, the first informant had alleged that three persons sexually assaulted her, but in supplementary statement, she has stated that she wrongly mentioned

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name of unknown person. Learned counsel further submitted that it is alleged that after the incident when the husband of the first informant came to house, she did not inform the incident to him. There is delay of three days in the lodging complaint. The applicant is behind bars for more than one year. He has no antecedents and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant and co-accused sexually assaulted the first informant in her house by forcibly pouring liquor in her mouth. Due to sexual assault, she was frightened and she could not lodge complaint immediately. If the applicant is released on bail, he may threaten the victim and prosecution witnesses and requested to reject the application

5. I have heard all learned counsel, perused charge-sheet and documents produced on record. Initially, the FIR was lodged against three persons alleging that they sexually assaulted the first informant. However, in supplementary statement, the first informant has stated that she wrongly mentioned about third person. There is delay of three days in lodging the complaint immediately. After the incident, the husband of the first informant had come home, but the first informant did not tell him about the incident. The applicant is behind bars for more than one year. There is no progress in the trial. The applicant has no antecedents.

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Considering these facts, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No. 4 of 2025 registered with Sahakarnagar Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)