IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 1708 OF 2025

Atul Prakash Shinde … Applicant

Versus

State of Maharashtra & Anr … Respondents

Mr. Indrajeet Jagdale (Through V.C.) a/w. Ms. Trupti Padekar i/b. Mr. Abhishek R. Avachat for the Applicant.
Mr. Nitin B. Patil, A.P.P. for Respondent No.1-State.
Ms. Purva Patil, Appointed Advocate, for Respondent No.2.

Coram : SHAILESH P. BRAHME, J.

Date : 19th October 2026.

PER COURT :

1. Heard Mr. Indrajeet Jagdale, learned counsel for the Applicant, Mr. Nitin Patil, learned APP for the Respondent No.1-State and Ms. Purva Patil, learned counsel for Respondent No. 2.

2. The Applicant is apprehending arrest in connection with C.R. No. 0258 of 2025, dated 27th May 2025, registered with Gandhi Nagar Police Station, District Kolhapur, for the offences punishable under 137(2), 74, 75, 78, 64(1), 64(2)(i), 64(2)(m), 3(5), 351(2) of the Bharatiya Nyaya Sanhita,

2023 and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3. First Information Report discloses that the victim was minor at the relevant time and she was being sexually assaulted by accused Nos.1 & 2. It is alleged that the Applicant was in his four wheeler shifting the co-accused and the victim from different places. He is alleged to have aided main perpetrators.

4. Learned Counsel for the Applicant submits that, except for the alleged role of taking the victim and the co-accused in a car, there are no serious allegations against the Applicant. The charge-sheet is filed against the co-accused. The interim protection granted by order dated 26th June 2025 needs to be confirmed.

5. Per contra, learned APP opposes the application by submitting that the co-accused have been arrested and the charge-sheet is filed against them. The investigation in respect of the Applicant is incomplete. The vehicle is required to be seized and therefore, the custodial interrogation of the Applicant is required. It is further contended that it is the case of abetment.

6. Learned Counsel appearing for Respondent No. 2 adopts the submissions advanced by the learned APP. Additionally, it is pointed out that the Applicant was absconding and that his involvement and collusion with

the other co-accused are evident.

7. I have considered rival submission of the parties.

8. I have gone through the First Information Report, which spells out the limited role attributed to the Applicant. The main perpetrators were arrested they were released on bail. All co-accused are on bail and charge-sheet is filed to their extent.

9. This Court had granted interim protection to the Applicant by order dated 26th June 2025. No endevaour has been made to circulate the matter for vacating the ad-interim protection. The charge-sheet as against the Applicant is yet to be filed.

10. Considering the material against the Applicant, I found that the Applicant deserves protection. Hence, I pass the following order:

ORDER

(I) Bail Application is allowed.

(ii) Applicant - Atul Prakash Shinde shall be released on bail in C.R. No. 0258 of 2025, dated 27th May 2025, registered with Gandhi Nagar Police Station, District Kolhapur, for the offences punishable under 137(2), 74, 75, 78, 64(1), 64(2)(i), 64(2)(m), 3(5), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections

4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one or more solvent sureties in the like amount, on the following conditions:

(a) The Applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The Applicant shall inform his whereabouts and contact numbers to the Investigating Officer.

(d) The Applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(e) The counsel Ms. Purva Patil appointed through Legal Aid shall be quantified fees of Rs.7000/-.

[SHAILESH P. BRAHME, J.]

OMKAR SHIVAHAR KUMBHAKARN
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