

MHKO010036752025



**ORDER PASSED BELOW EXH. 3 IN
SPECIAL CASE NO.217/2025**

**(State of Maharashtra
Vs.
Sunil Shripati Kurane & Anr.)**

The applicant-accused No.1 is seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short) on the grounds that, he has been falsely implicated and he is innocent, the FIR is belated and it is false and fabricated. Besides, the statement of the victim transpires that the relationship between the victim and the applicant if at all would have been established, then it must be consensual. He has further contended that, the victim did not disclose about the so called incidents to anyone and she was living a normal life in that period. Furthermore, the statement recorded under Sections 181 and 183 of the BNSS shows that no coercion or force was used by the applicant to engage the victim in alleged sexual relations. Furthermore, the delay in lodging the FIR shows that the FIR has been filed with ulterior motive. The applicant has further contended that, he is permanent resident of Sangli District and has deep roots in the society, investigation is completed and he has no criminal antecedents. The applicant has undertaken to abide by the conditions that may be imposed by this Court.

2. The application is resisted by the State by filing

say (Exh.6) on the grounds that, the offence is grave and involves sexual abuse of a child. Besides, the applicant-accused is married and yet he committed the act of child abuse. Therefore, there is possibility that he may commit similar offence and pressurize the witnesses, if released on bail.

3. I have heard Ld. Advocate Smt. Savita Shedbale for the applicant-accused and the Ld. APP Smt. M.B. Patil for the State.

4. The Ld. Advocate for the applicant-accused vehemently submitted that, there is a delay of 2 years in lodging the FIR, as the first incident allegedly took place in 2023 and the victim was aged 14 years 9 months. She further submitted that, the statement of the victim transpires that she had been in consensual relationship and no force or coercion was used by the applicant-accused. She also submitted that, the statement of the victim transpires that, this is a case of infatuation. It was also her submission that, the victim did not disclose about the so called incidents to her natural mother or anybody else for the period of 2 years and this casts serious doubt on the prosecution case of child sexual abuse. She also pointed out that the medical examination does not reveal that the concerned Expert noted any marks of physical violence. She further submitted that, the love letters

exchanged between the victim and the applicant-accused have been collected by the I.O. and submitted along with the charge-sheet. She lastly submitted that, it will take considerable time in completing the trial and urged for releasing the applicant on bail.

5. Per contra, the Ld. APP submitted that, the applicant-accused was aged 50 years and was married twice and yet he established sexual relations with a child. According to her, the offence is grave and there is possibility of tampering of the evidence and pressurizing the prosecution witnesses by the applicant. She also submitted that, the prosecution is ready to proceed with the trial expeditiously and urged for rejecting the application.

6. I have given thoughtful consideration to the submissions made on behalf of the parties.

7. On perusal of the police papers it becomes clear that, the FIR is not lodged by the victim or her natural mother, but it is lodged by the Resident Superintendent of the concerned Mahila Aadhaar Graha. It is stated in the FIR that, the informant was in-charge of the Children Home for girls during the relevant period and the victim (Identity withheld) was lodged in the said children home on 25/06/2025. One week prior to the date of the complaint, one staff member

Subhadra Sutar had checked the locker of the victim during her routine check-up and she found that there were some Cadbury Chocolate Wrappers and some chits, which were resembling love letters. Therefore, she reported the matter to the Superintendent, Sharayu More. Thereafter, the informant as well as said Sharayu More and a member of Child Welfare Committee inquired with the victim and at that time the victim disclosed that, while she had gone for attending private tuition class she made a phone call to the applicant-accused using the mobile phone of her friend and thereafter the applicant-accused met the victim near the said tuition class. The victim also disclosed that, while she was in 5th Standard she was staying in the house of her mother's friend Savita Sawant and her educational expenses were being borne by said Savita Sawant and her living in partner i.e. the applicant-accused. She also disclosed that, in 2023 the applicant-accused had established sexual relations with her on 5 to 6 occasions, but she did not disclose about it to anybody. She also disclosed that, while she was in 10th Standard, she did not have any sexual relations with the applicant-accused, as it was her important educational year and after that due to her mother's poor financial condition, she was lodged in Children Home. Accordingly, on the basis of the said FIR crime is registered.

8. It appears that, during the investigation

statements are recorded to the effect that the victim's mother did not lodge any report with the police even after getting the knowledge about the crime in question and therefore, victim's mother has also been arraigned as accused. It seems that the statement of the victim is recorded during the investigation and it has appeared in her statement that, she herself had contacted with the applicant-accused while she had gone to attend private tuition class and she has also specifically stated that the applicant-accused had not used any force and she had consented for the sexual relations. She has also reiterated the same thing in her statement recorded under Section 183 of the BNSS. The Investigating Officer has also collected some chits and it appears that the victim and the applicant-accused had exchanged the love letters. There appears force in the submission of the Ld. Advocate for the applicant-accused that the material prima facie shows that, the victim was infatuated with the applicant-accused. The medical examination report says that, there is evidence of remote penetration of vagina however sexual violence cannot be ruled out. No doubt, the victim being minor, question of her consent for the sexual relations is not relevant, but the fact remains that the victim has specifically stated that the applicant had not used any force or violence and she was having relations with the applicant for a long time and she did not disclose about it to anybody and the matter accidentally came to the fore since the concerned staff found out a chit in her locker.

Investigation has been completed and charge-sheet is submitted on 02/09/2025. The applicant is arrested on 14/08/2025 and since 29/08/2025 he is in magisterial custody. Thus, the applicant is behind bars since last more than 7 months. Charge is not yet framed and it may take considerable time in recording evidence and completing the trial. In such circumstances, it would be just and proper to release the applicant on bail instead of detaining him for indefinite period. Apprehension of the State can be taken care of by putting some conditions. Hence, the following order is passed.

Order

- 1) The application is allowed.
- 2) The applicant-accused No.1 Sunil Shripati Kurane be released on bail in terms of P.B. and S.B. of Rs.70,000/- (Rupees Seventy Thousand only) with one solvent surety in the like amount with following conditions :-
 - i) He shall attend the dates fixed in the case punctually and shall not cause any hindrance in the trial by remaining absent.
 - ii) He shall place on record proof of his residential address and also communicate whenever there is any change in his address to this Court.
 - iii) He shall not tamper with the prosecution evidence or pressurize witnesses.

- iv) He shall not try to communicate with the victim till the trial is over.
- 3) Issue letter to the concerned Jail Authority.

Date : 09/04/2026.

(R.V. Utpat)
Special Judge, Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	R.R. Patil
Name of Court	Shri. R.V. Utpat, Special Judge, Kolhapur.
Date of Dictation	09/04/2026.
Judgment/Order signed by the P.O. on	09/04/2026.
Judgment/Order uploaded on	09/04/2026.