



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

963 BAIL APPLICATION NO. 1459 OF 2024

Pawan Laxman Gaikwad

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Ms. S. T. Jadhav, Advocate holding for Mr. P. D. Suryawanshi,
Advocate for the Applicant.

Mr. S. B. Pulkundwar, APP for the State.

CORAM : S. G. MEHARE, J.

DATE : 3rd SEPTEMBER, 2024.

PER COURT :

1. Heard learned counsel for the Applicant and learned APP
for the State.

2. Applicant seeks bail in Crime No. 0057/2024 registered
with Sindkhed Police Station, District Nanded, for the offences
punishable under Sections 64(1), 127(2), 351(2) and 351(3) of the
Bharatiya Nyaya Sanhita.

3. Allegations levelled against the Applicant were that he
was calling the victim on phone call. On the day of the incident, he
called her and threatened that if she would not come to his home, he

would kill her husband. Due to threats she went to his home. However, he committed sexual assault with her.

4. Learned counsel for the Applicant submits that a false report has been lodged. Applicant never threatened the victim. They had consensual relationship. However, somebody learnt about the relationship that forced her to file a false report. Investigation has been over. Nothing is to be recovered from the Applicant. Therefore, he may be granted bail.

5. Learned APP strongly opposed the application. He submits that the offence is serious. A married woman was exploited under threats. Therefore, the Applicant does not deserve any relief.

6. Perused the papers produced before this Court. The spot of incident is far away from her residence. In ordinary course, a married woman would not fall prey to the threats given on mobile phone. Why she went there is a matter of appreciation of evidence. Nothing is to be recovered from the Applicant. There are no antecedents against the Applicant. Hence, it would be inappropriate to keep him behind the bar. Hence, the following order :-

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Pawan Laxman Gaikwad be released on furnishing P.B. and S.B. of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount, in connection with Crime No. 0057/2024 for the offences mentioned above , on the following conditions :
- (a) He shall not contact the victim till conclusion of the trial.
- (b) He shall not tamper the prosecution witnesses.
- (c) He shall attend the police station as and when called by the Investigating Officer, till filing of the charge-sheet.

(S. G. MEHARE)
Judge