



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

9 BAIL APPLICATION NO. 988 OF 2025

SATISH ALIAS PAPPU JAGANNATH GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sunil B. Surse.

APP for Respondent / State : Mr. S. B. Narwade.

Advocate for Respondent No.2 : Mr. Kachru Ananda Ingle.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 06th October, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.0217 of 2024, registered with Waluj Police Station, District Aurangabad (City), for the offences punishable under Sections 137(2), 64(2), 65 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3 The informant averred in the report that her daughter, aged about 15 years, was missing. They took a search for her and

thereafter, the report was lodged alleging that someone might have eloped with her. Subsequently, the applicant left the informant's daughter in Pune for the purpose of admitting her to the *Ashram Shala*.

4 The learned counsel for the applicant submitted that it is a case of love affair between the applicant and the daughter of the informant. They went to Pune as the daughter of informant was willing to join the school and her parents were not allowing her to go to the school. The applicant has roots in the society and he will not flee away from trial. The trial will take a long period. Considering the age of the daughter of informant and that it is a case of love affair, it is lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in the serious crime. The applicant has committed aggravated sexual assault on the daughter of the informant, who is 15 years old. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper the evidence. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statement of the daughter of informant and other witnesses.

7 The conduct of the applicant shows that he tried to reach the daughter of the informant to Pune for joining her to the *Ashram School*. It is not alleged by the daughter of informant in her statement that the applicant has committed overt act of sexual assault on her. The applicant and the daughter of informant are resident of one and the same village. Considering all these aspects and the law laid down by this Court in the case of ***Sunil Mahadev Patil Vs. The State of Maharashtra, in Bail Application No.1036 of 2015***, decided on 3rd August, 2015 and also on the principle that bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.0217 of 2024, registered with Waluj Police Station, District Aurangabad (City), for the offences punishable under Sections 137(2), 64(2), 65 and 351(2) of the Bharatiya Nyaya Sanhita, under Section 6 of the Protection of Children from Sexual Offences Act and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- b) The applicant shall not enter into village Yesgaon, Taluka Gangapur, District Chhatrapati Sambhajinagar, till the conclusion of trial.

[SANJAY A. DESHMUKH, J.]

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