

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3585 OF 2025

Ajay Mohan Gaikwad

...Applicant

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Darshan Singh Rajpurohit a/w Mr. Changdev Shingade, Mr. Mervin Bardeskar and Mr. Pushkaraj Yadav - Deshmukh i/b Mr. Ritesh Thobde, for the Applicant.

Mr. S. S. Chaudhari, APP, for the Respondent – State.

Ms. Ankita Harpude, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th DECEMBER, 2025.

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P.C. :

1. By this application, the Applicant is seeking regular bail in connection with C.R. No.303 of 2022 registered with Vijapur Naka Police Station, District: Solapur, for the offences punishable under Sections 354A, 376(2)(j), 376(2)(n), 373(3), 109 of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 3(2)(5), 3(2)(5a), 3(1)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sections 4, 5, 6, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”).

2. It is prosecution's case that the Applicant sexually assaulted the first informant who was 15 years old on several occasions.

3. It is contention of learned counsel for the Applicant that the victim was more than 15 years old and there was love affair between the Applicant and victim. There is delay in lodging the F.I.R. The Applicant is behind bar for more than three years, yet trial has not been concluded. Learned counsel further submitted that during pendency of the trial, the victim has married. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicant is married. The victim was 15 years old at the time of incident. The Applicant was aware about the age of the victim. The Applicant sexually assaulted the victim on several occasions. Eight witnesses have been examined, and three witnesses are yet to be examined. If the Applicant is released on bail, he may abscond or threaten the prosecution witnesses and requested to reject the application.

5. I have heard all the learned counsel, perused F.I.R. and documents produced on record.

6. It appears from the record that there is delay for lodging

the F.I.R. At the time of incident, the victim was more than 15 years old. In complaint, she has stated that she had love affair with the Applicant. The Applicant is behind bar for more than three years, yet trial has not been concluded. Considering these facts, I pass following order:

ORDER

- i. Application is allowed.
- ii. The Applicant be released on bail in connection with C.R. No.303 of 2022 registered with Vijapur Naka Police Station, District: Solapur, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned police station as and when required.
- iv. The Applicant shall not enter in the area where the victim stays, till the conclusion of the trial and till the recording the evidence of victim.
- iv. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.
8. Ms. Ankita Harpude is appointed through Legal Aid Committee to represent Respondent No.2, professional fees of Rs.10,000/- be paid to him/her.
9. 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.
10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)