

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

**INTERIM APPLICATION NO.1887 OF 2025  
IN  
CRIMINAL APPEAL NO.543 OF 2025**

Sandeep Karbhari Gaikwad

.... Appellant/  
Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Narayan G. Rokade a/w Mr. Ramchandra Wagh a/w Mr. Sidharth Ghodke a/w Mr. Abhang Suryawanshi a/w Mr. Swapnil Kalokhe the Appellant.
- Mr. Pankaj P. Devkar, APP for the State/Respondent.
- Mr. Gurudas Gorwadkar, appointed Advocate, for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 31<sup>st</sup> JULY, 2025**

**P.C. :**

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant has challenged the Judgment and Order dated 02/04/2025 passed by the Special Judge and Additional Sessions Judge, Niphad, in Special Case No.71/2021. The Applicant was convicted for commission of the offence punishable u/s 341, 354-A of the Indian Penal Code and u/s 8 and 12 of the Protection of

Children from Sexual Offences Act, 2012. The major sentence imposed on him was rigorous imprisonment for three years besides imposition of fine.

2. Heard Mr. Narayan G. Rokade, learned counsel for the Applicant, Mr. Gurudas Gorwadkar, learned counsel for the Respondent No.2 and Mr. Pankaj P. Devkar, learned APP for the State.
3. The prosecution case is the Applicant was related to the victims. He was cousin of the victim's mother. The incident took place on 06/12/2020. The victims, who were around 14 and 15 years of age, were returning from their family business restaurant. They were on a scooty. One of the victims was driving scooty and the other was pillion rider. The Applicant intercepted them at around 07.00 p.m. on Hivargaon Road, near water tank. He held their hands and uttered obscene words. Then the victims raised shouts. Their grandmother, aunt and uncle came at the spot. They tried to catch the Applicant, but he fled away. The FIR was lodged at Saykheda Police Station, vide C.R.No.459/2020. The investigation was carried out and the

Applicant faced the trial. The prosecution examined six witnesses. The main evidence is of the two victims. They have corroborated each other.

4. Learned counsel for the Applicant submitted that PW.1, the first victim, has admitted that there was a civil dispute between the Applicant's family and the victim's family in respect of a land. He submitted that the incident could not have taken place. There were other houses around that area. It was not possible that the victim's grandmother and aunt both could rush to the spot, which was at some distance from their hotel. He submitted that the Applicant was on bail during the trial and even after his conviction, he was granted bail for a temporary period. The sentence imposed is only three years. The Appeal is not likely to be decided during that period.

5. Learned APP opposed this submissions. According to him, there is no dispute about the age of the victims. They are corroborating each other. Therefore, bail should not be granted to the Applicant.

6. Learned counsel for the Respondent No.2 submitted that those were the days when Corona pandemic was spread all over. Therefore, it was quite possible that others from the vicinity could not have witnessed the incident. That does not mean that the incident could not have taken place. He submitted that it was month of December and therefore, sunset was quite early. The Applicant committed this act in the darkness. Therefore, there was no independent witness.

7. I have considered these submissions. At this stage, it must be noted that one victim has admitted that there was a land dispute between the families. The defence raised by the Applicant will have to be considered at the final hearing stage. The Applicant was on bail. There are no allegation of misuse of that liberty. The Appeal is not likely to be decided within the period of three years which is the maximum sentence imposed on him.

8. Considering all these aspects, I am inclined to grant bail to the Applicant.

9. Hence, the following order :

**ORDER**

- (i) During pendency and final disposal of the Criminal Appeal No.543 of 2025, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**