



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2465 OF 2025

GAUTAM SHRIRANG SALVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. J. V. Deshpande
APP for Respondents-State : Mr. C. V. Bhadane
Advocate for Respondent No. 2 : Ms. Anita Deshmukh

CORAM : SACHIN S. DESHMUKH, J.

Date : 20th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 15.08.2025 bearing Crime No. 480 of 2025 registered with MIDC Cidco Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 69, 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. According to the prosecution, the victim is a minor, aged approximately 16 years. The allegations in the FIR state that the accused initially established a physical relationship with the victim's mother under the false pretext of marriage. Thereafter, on

11.08.2025, the accused allegedly insisted to have sexual relations with her daughter. Upon refusal, the accused physically assaulted her and issued death threats against the victim. Subsequently, by placing both the mother and daughter under the fear of death, the accused forcibly committed penetrative sexual assault upon the minor victim. Based on the complaint lodged by the victim's mother, the present crime was registered. The accused was subsequently arrested and has been in judicial custody since 18.08.2025.

3. The learned counsel for the applicant submits that the applicant is falsely implicated in the crime. The initial allegation regarding a "promise to marry" the mother appears to be a common ploy used to convert a consensual relationship into an offence to strengthen the overall case. This is a case of over-implication. Nothing remains to be recovered at the applicant's instance. Hence, it is prayed that the application be allowed.

4. The learned APP has vehemently opposed the application, submitting that these applicant has sexually exploited the victim and the informant. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of

tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

5. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that the prosecution's case begins with a physical relationship between the accused and the victim's mother based on an alleged false promise of marriage. Judicial precedents, including recent rulings in 2025, distinguish between a "false promise" (deceit at inception) and a "breach of promise" (a relationship that later soured). This initial context raises a prima facie question regarding the potential for coloured or exaggerated accounts following a fallout in a consensual relationship.

6. Moreover, the alleged assault on the minor victim occurred on 11.08.2025, but the report was lodged on 15.08.2025. The unexplained delay in lodging an FIR in sexual assault cases, while not always fatal, prima facie is a critical factor for the Court to consider. Inordinate or unexplained delays can cast a shadow of doubt on the prosecution's version, suggesting a possibility of falsity.

7. Apart from the aforesaid aspect, the investigation of

the case has been complete and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. The applicant is in jail from the last five months. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

9. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Gautam Shrirang Salve be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 480 of 2025 registered with MIDC Cidco Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 69, 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 12 of

Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)