



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2471 OF 2025

SAURABH TARACHAND GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar,
Mr. Sagar P. Mahale
APP for Respondent No.1 : Mr. D. B. Bhange
Advocate for Respondent No.2 : Mr. Govind B. Chate
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 06-02-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.I-401 of 2025 for the offence punishable Under Sections 137(2), 65(1), 64(2)(f)(i)(m), 85, 87, 107, 212, 238-B of *Bhartiya Nyaya Sanhita, 2023*, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (*POCSO Act*) and Sections 9 and 10 of Prevention of Child Marriage Act. In the said crime, the applicant was arrested on 17.08.2025.

2. The prosecution case is that the informant, who resides with his family reported that his first wife was living separately since 2016; with two children. On 09.04.2023, the applicant eloped with the victim, who was at the relevant time 13 years and 5 months old. Upon their return that evening, the informant discovered the

pair had married in a temple and subsequently evicted them from his home. The couple then relocated to Malunja. However, the applicant allegedly began subjecting the victim to cruelty over domestic issues and an unlawful demand of Rs. 5,00,000/- for the purchase of a new tractor. The informant was unable to meet this demand, the harassment intensified. During this period, the victim conceived and delivered a child on 24.09.2024. On 11.08.2025, the victim visited the informant for the Rakshabandhan festival, where she disclosed the physical and mental cruelty she was enduring. Despite the informant's attempts to reason with him, the applicant took the victim back to Malunja by motorcycle. Later that day, the informant received a phone call stating that the victim had committed suicide by hanging. Although she was rushed to Sakhar Kamgar Hospital, she was pronounced dead upon arrival. Hence, the report came to be lodged.

3. Learned counsel for the applicant submits that there is unexplained delay in lodging the report. The prosecution case is afterthought. The copy of the aadhar and voter card indicates the date of birth of the victim is major. The applicant and the victim were the husband and wife and they had their marital life peacefully. At the time of alleged incident, the applicant was not at the home. The investigation of the crime is completed and the charge-sheet is also submitted. Hence, prayed to allow the application.

4. Learned A.P.P. has opposed the application and submitted that the offence is serious in nature. The applicant is involved in the heinous offence of having married a minor girl and assaulted sexually due to which the victim committed suicide. Further, expressed the apprehension of tampering with the prosecution witnesses and the evidence, if the applicant released on bail. Hence, prayed to reject the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet indicates that the alleged marriage of the applicant and the victim took place on 09.04.2023. The postmortem report indicates that the victim was of 20 years old during the alleged incident. Moreover, the copy of the Adharcard and Election card of the victim produced by the applicant indicates the birth date of the victim as 04.09.2005. As such, there is material discrepancy regarding the age of the victim.

6. Furthermore, the applicant is the relative to the informant and the said marriage appears to have taken place with the consent of the parties. More so, the said marriage was consummated and a child was born out of the said wedlock. It is pertinent to note that there is no prior complaint against the applicant about any cruelty or harassment committed by the applicant to the victim. It is only after the death of the victim and

after a delay of four days, the present complaint is lodged against the applicant. Thus, there is possibility of false implication and afterthought report.

7. In view of the aforesaid facts and circumstances and considering that the applicant is in custody since his arrest on 17.08.2025, coupled with the fact that the investigation is complete and the chargesheet is filed, no fruitful purpose would be served by keeping the applicant behind the bars. The apprehension expressed by the learned APP can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Saurabh Tarachand Gaikwad, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand), with one solvent surety of the like amount in Crime No.I-401 of 2025, for the offence punishable Under Sections 137(2), 65(1), 64(2)(f)(i)(m), 85, 87, 107, 212, 238-B of *Bhartiya Nyaya Sanhita, 2023*, Sections 4, 6, 8 and 12 of the *Protection of Children from Sexual Offences Act, 2012 (POCSO Act)* and Sections 9 and 10 of *Prevention of Child Marriage Act*, on the conditions that;

- (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit his Aadhar and Pan Cards 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 state 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]
JUDGE

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