



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

BAIL APPLICATION NO. 257 OF 2026

Aniket Bhaurao Gaikwad,
Age : 38 Years, Occu. : Service,
R/o At Post Washala, Tq. Shahapur,
Dist. Thane. .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Ms. Ashwini P. Patil, Advocate h/f Shri Sudarshan J. Salunke,
Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent Nos. 1 and 2.
Shri Datta S. Kale, Advocate for the Respondent No. 3 -
Informant.

CORAM : SHAILESH P. BRAHME, J.
DATE : 07TH MAY, 2026.

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 613/2025 registered with M.I.D.C. CIDCO Police Station, Chhatrapati Sambhajinagar for the offences punishable U/Sec. 64(2)(f), 64(2)(m), 65(1), 78, 352, 352(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and U/Sec. 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012. He is arrested on 25.10.2025. Charge sheet is filed on 16.12.2025.

3. It is reported to the police by lodging F.I.R. on 18.10.2025 by the victim herself that she was at the relevant time studying in the 10th class. The applicant was her distant relative. She was misrepresented and fraudulently taken to his residence and ravished. She was been photographed and videographed nude. She was being given threats of circulating the photographs and under that pretext repetitively exploited from May 2025 to June 2025. She was being beaten up. Ultimately on 18.10.2025, she was constrained to disclose her menace to her mother.

4. Learned counsel for the applicant submits that the relationship was consensual and victim was on the verge of majority. The allegations are concocted and applicant is falsely implicated in the offence due to money transaction. The inordinate delay in lodging complaint would belie prosecution story. Nothing objectionable is recovered from the mobile hand set.

5. It is vehemently contended by the learned A. P. P. Mr. Wattamwar that she was being defrauded in coming to the residence of the applicant and tranquilized before committing rape. The consistent threats were given to her and she was compelled to keep the physical relationship. There is every possibility of deleting objectionable material from the mobile hand set considering the date of registration of report and arrest. Applicant being distant relative was aware of the age of the

victim and had indulged in a serious offence. There is incriminating material on record to indicate that victim was seen in the company of the applicant and she had no alternative but concede to the lust.

6. Learned counsel for the respondent No. 3 submits that the theory of false implication because of money transaction is palpably false. Parents of the victim are teachers and they are well off.

7. It has been transpired during the investigation that at the relevant time the victim was of 15.1 years. The applicant happens to be distant relative and knowing the victim and her family. First information report was lodged on 18.10.2025 narrating penetrative assault from May 2025 to June 2025. The last threats and interaction is reported to be of 10.10.2025.

8. The applicant is alleged to have ravished the victim in his flat taken on rent. I have gone through statement of Bhausahab Dhondiba Bendre, who is a watchman. He has stated to have seen a 15 or 16 years old girl with the applicant, who was disclosed to be relative. It is further stated that the girl used to come alone also. Other statements of Gangadhar Bhimrao Kanhere and Rubina Azruddin Shaikh who were concerned with the apartment are on the same line. There is room to infer that the victim used to visit the flat voluntarily.

9. The medico legal certificate shows no sign of any force, albeit, occurrence of sexual intercourse. The hymen is found to be torn. There is considerable delay in lodging F.I.R. The parents of the victim are stated to be teachers. These are the circumstances which would go to indicate consensual relationship between the applicant and the victim.

10. Panchanama in seizing mobile hand set would disclose couple of photographs, which cannot be said to be obscene or nude. There is no material on record for the present to indicate that obscene material is recovered or photographs or video are taken. At the same time there is substance in the submission of learned A. P. P. that possibility of destruction of objectionable material cannot be ruled out. The objective scrutiny needs to be undertaken during the course of trial.

11. Both the parties have rival claim in respect of money transaction. Twice amount of Rs. 50,000/- is shown to be transferred to father of the victim. A false implication cannot be inferred at this stage of the proceeding. That is also again a matter of scrutiny during trial, but some issue of money transaction cannot be ruled out.

12. Applicant is behind bars since 25.10.2025. No antecedents are reported against him. Further incarceration is not necessary. I, therefore, pass following order.

O R D E R

- A. The bail application is allowed.
- B. Applicant – Aniket Bhaurao Gaikwad shall be released on bail in respect of Cr. No. 613/2025 registered with M.I.D.C. CIDCO Police Station, Chhatrapati Sambhajnagar for the offences punishable U/Sec. 64(2)(f), 64(2)(m), 65(1), 78, 352, 352(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and U/Sec. 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 on condition of furnishing P. R. bond and S. B. of Rs. 50,000/- (Rs. Fifty thousands only) with one solvent surety of like amount.
- C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- D. The applicant shall cooperate in expeditious disposal of trial.
- E. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.
- F. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/May 26