IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 733 OF 2026

Rajendra Bhaurao Gaikwad .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Vivek Arote a/w. Mr. Akshay Dingale, Advocates, for the Applicant
Ms. S. E. Phad, APP, for the Respondent – State
Ms. Swati Sagvekar, Advocate, for Respondent No.2/Complainant
Mr. Abhijit Payghan, PSI, Hadapsar Police Station, Pune City present

ANAND SUDHAKAR SUDAME
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Date: 2026.10.07 16:12:58 +0530

CORAM : MILIND N. JADHAV, J.

DATE : 05.10.2026

P. C.

1. Heard Mr. Arote, learned Counsel for the Applicant and Ms. Phad, learned APP for the Respondent – State.

2. This Application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") in connection with C.R.No.1527 of 2022 registered with Hadapsar Police Station, Pune for offences punishable under Section 380 of the Indian Penal Code, 1860 (for short "**IPC**").

3. On the previous occasion, after hearing Mr. Arote and the learned Prosecutor, following orders dated 17.09.2026 and 21.09.2026 were passed. Order dated 17.09.2026 reads as under :-

*"**1.** Heard Mr. Arote, learned Advocate for Applicant; Ms. Phad, learned APP for State and Ms. Sagvekar, learned Advocate for Complainant.*

***2.** Order dated 03.09.2026 stands complied with. Learned APP has shown the prisoner's medical report to me. Prima facie reading of the said report, it appears that Applicant is having complications. The report states that Applicant has been admitted to psychiatric ward of the jail hospital. However, learned Advocate for the Complainant would argue to the contrary. She would place before me the cross-examination conducted by the Applicant himself on 09.09.2026 and would submit that Applicant is in perfectly sound health and condition.*

***3.** I direct the learned APP to give copy of the report to both the learned Advocates. Both the learned Advocates are directed to file their appropriate affidavit in reply.*

***4.** Insofar as the Applicant is concerned, affidavit should state as to who will take care of the Applicant and whether the Applicant will be staying if at all the Applicant is released on bail on the basis of the medical report which has been submitted.*

5.** Stand over to **21st September, 2026** under the caption **"Medical Urgency".

4. Order dated 21.09.2026 reads as under :-

*"**1.** Heard Mr. Arote, learned Advocate for Applicant; Ms. Phad, learned APP for State and Ms. Sagvekar, learned Advocate for Complainant.*

***2.** The prisoner's mental health report dated 15.09.2026 is placed before me which shows that the prisoner is behaviorally and mentally stable and at present is on medications. However, the concerned jail authority looking after the Applicant are directed to file an appropriate affidavit to explain as to how they shall be*

taking care of him and after four weeks a status report of his medical condition shall be placed before the Court to enable this Court to take an appropriate decision. Needless to state that if anything untoward happens in the meanwhile, the jail authorities are going to be held responsible. Therefore, the affidavit of the jail authority shall be filed within a period of one week from today.

3. Stand over to ***5th October, 2026."***

5. In compliance of the aforesaid orders, both parties have filed their respective Affidavits. Mr. Sunil N. Dhamal, Superintendent, Yerwada Central Prison, Pune – 6 has filed Affidavit dated 26.09.2026 on behalf of the prosecution, whereas Mr. Sunil Bhaurao Gaikwad, brother of Applicant has filed Affidavit Cum Undertaking dated 19.09.2026. I have perused both the Affidavits. Applicant is indicted in a crime for committing murder of his wife in view of various reasons as alleged by the prosecution. He is arrested in **December, 2022** and has undergone incarceration for almost four years till date. Trial has not commenced. Intriguingly, it is *prima facie seen* that Applicant is suffering from a medical condition namely that his psychiatric status and condition is not normal and he is required to be administered medication and treatment to that effect. Same is clarified by the Superintendent of Yerwada Central Prison, Pune, where the Applicant is housed. In para No. 6 of his Affidavit, it has been stated that Applicant is suffering from a mental condition and he is undertaking

medical treatment in view of which he has attempted to commit suicide by hanging with the help of a towel inside the jail. It is also stated that thereafter Applicant has been shifted to the Jail Hospital, where he is undergoing treatment and is presently being administered medication and treatment under the supervision and advice of the concerned psychiatric Doctor and medical officer of the Jail Hospital. It is also stated in para No. 9 that if Applicant would require any specialized medical treatment, necessary arrangements will be made to refer him and shift him to a higher medical centre namely Sassoon General Hospital, where all such medical facilities will be available. It is stated that Application in this behalf has already been preferred for administering further treatment to Applicant on 20.08.2026 before the Hon'ble District Judge and Additional Sessions Judge, Pune for issuance of reference order which is pending and order is still awaited. *Prima facie* reading of Affidavit dated 26.09.2026 filed by Superintendent, Yerwada Central Prison, Pune – 6 shows that Applicant is indeed suffering from a medical problem and such medical condition has in fact compelled Applicant to take his own life also. The brother of Applicant has filed Affidavit stating that he shall take care of Applicant and that Applicant will be residing with him when released on bail. Charge has been framed. Trial has commenced. One witness

out of the probable 23 witnesses cited by the prosecution has been examined till date. The ignominy of the trial not been concluded in the near foreseeable future is certain and hence, it persuades me to consider the Application of the Applicant for grant of bail on the ground of his long incarceration as well as his medical condition.

6. Ms. Sagvekar appears for the Complainant. She would persuade the Court not to release the Applicant on bail in view of the gravity of the crime. She would argue that Applicant has murdered his wife and is merely using his medical condition as a ruse to be released from prison. However, the fact that Applicant is behind bars for almost 4 years is equally true. However, considering the medical condition of the Applicant, I am not persuaded to accept her submissions and the request for rejection of bail made by the Complainant's Advocate stands rejected.

7. Hence, in view of above *prima facie* observations and finding, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – **Rajendra Bhaurao Gaikwad** is directed to be immediately released from prison in connection with CR. No. 1527 of 2022;

(ii) Applicant is directed to be released on bail on furnishing

P.R. Bond of Rs.15,000/- (Rs. FifteenThousand only) with one or two sureties of the like amount;

(iii) Applicant shall report to the Investigating Officer at Hadapsar Police Station, Pune, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall co-operate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or

mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

9. Bail Application is allowed and disposed in the above terms.

(MILIND N. JADHAV, J.)