

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 5087 OF 2024**

Chandrabhan Baburao Gaikwad ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Gajanan Tirthkar (Through VC) a/w. Mr. Suraj Jadhav i/b. Mr. Pravin Devadhe, Advocates for the Applicant.

Mrs. Ranjana D. Humane, APP for the State.

Ms. Kanchan Pawar, Advocate for Respondent No.2.

PSI – Lokare, Pargaon Police Station, Pune Gramin present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in C.R.No. 28 of 2023 registered with Pargaon (Karkhana) Police Station, District Pune for the offence punishable under Sections 363, 376, 376(2) (n), 376(3) of Indian Penal Code, 1860 (for short “IPC”) and under Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. It is prosecution’s case that applicant kidnapped minor daughter of the first informant by inducing her and sexually assaulted her.

S.S.Kilaje

3. It is contention of learned counsel for the applicant that victim herself had gone with the applicant. At the time of incident, the victim was more than 15 years old. She stayed with him for couple of days. The applicant is behind bar for more than 1 year and 6 months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that applicant kidnapped minor daughter of the first informant and sexually assaulted her. At the time of incident, the victim was minor. The applicant was aware about the age of the victim. The medical report supports the case of prosecution. If applicant is released on bail, he may threaten the victim and prosecution witnesses. Hence, requested to reject the application.

5. I have heard all learned counsel. Perused FIR and documents produced on record. At the time of incident, the victim was more than 15 years old. It appears from the record that the victim stayed with the applicant for several days, but she did not complain. The Applicant is behind bar for 1 year and 6 months. There is no progress in the trial. Considering these facts, I pass following order.

ORDER

- i. The applicant be released on bail in C.R.No. 28 of 2023 registered with Pargaon (Karkhana) Police

S.S.Kilaje

Station, District Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The Applicant shall not contact the victim and prosecution witnesses.
- iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

6. The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)