

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2647 OF 2025

Abhay Chandrakant Gawade
versus
The State Of Maharashtra and anr.

Mr. Bhushan Ove along with Advocate-A. Z. Mookhtia i/b. Swapnil B Mumbarkar, Advocate for Applicant.

Mr. S. R. Agarkar, APP for Respondent No.1-State.

Mr. Piyush Toshnival i/b. Ashish P Pawar, Advocate for Respondent No.2.
API-Chhay Pradip Gujar, R.S. Dapodi, Pimpri Chinchwad, present.

CORAM : SHIVKUMAR DIGE, J.
DATE : 6th APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 715 of 2024 registered with Bhosari Police Station, District Pune, for the offences punishable under 65(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that the applicant kidnapped the minor daughter of the first informant and sexually assaulted her by taking her to a lodge by threatening her.

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3. It is contention of learned counsel for the applicant that there was a love affair between the applicant and the victim and out of the said love affair, there was a physical relationship between them. The applicant is behind bars for around two years and four months. He has no antecedents and requested to allow the application.

4. It is contention of learned APP that at the time of the incident, the victim was 13 years and 8 months old. The applicant was aware of the age of the victim. Immediately after the incident, the victim informed her parents and the complaint was filed. If the applicant is released on bail, he may threaten the prosecution witnesses and requested to reject the application.

5. It is contention of learned counsel for respondent No. 2 that respondent No. 2 has no objection to allowing the bail application. Respondent No. 2 has filed an affidavit in that regard.

6. I have heard all learned counsel, perused the charge-sheet and documents produced on record. There is delay in lodging the complaint. At the time of the incident, the applicant was 21 years old. The applicant is behind bars for more than two years and four months. The applicant has no antecedents. The investigation is completed and charge sheet has been filed. There is no progress in the trial and it may take time to conclude the trial. Considering these facts, I pass the following order:

Shubhada S Kadam

ORDER

- (i) The applicant be enlarged on bail Crime No. 715 of 2024 registered with Bhosari Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with 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 tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)