

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4358 OF 2025

Gajanan Pralhad Gawande

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. Tejas Kothalikar, Advocate for the Applicant.

Mr. B. B. Kulkarni, APP for the Respondent-State.

Mr. Ravikant Parab i/b. Ms. Nisha Valani, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 818 of 2023 registered with Chikhali Police Station, Pune, for the offences punishable under Sections 376, 376(2)(n), 376(3), 452 of Indian Penal Code, 1860 (for short "IPC") and under Sections 3, 4, 5(1), 5(j)(ii), 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

2. It is prosecution's case that the applicant sexually assaulted the first informant, who was minor on the promise of marriage. Due to sexual assault, first informant got pregnant. At the time of incident, first informant was 15 years old.

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3. It is contention of learned counsel for the applicant that there was love affair between the applicant and first informant. At the time of incident, applicant was 21 years old. He has no antecedents. The applicant is behind bars for two years. There is no progress in the trial. Yet, charges are not framed and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant was aware about the age of the victim. He sexually assaulted her and impregnated her. If the applicant released on bail, he may abscond or threaten prosecution witnesses and victim and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. There is delay in lodging the complaint. At the time of incident, victim was 15 years old whereas applicant was 21 years old. Victim did not complain about sexual assault until her parents came to know that she has become pregnant. The applicant is behind bars for two years. There is no progress in the trial. It may take time to conclude the trial and I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 818 of 2023 registered with Chikhali Police Station, Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties

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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, victim, witnesses or any person concerned with the case.
6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)