

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4590 OF 2025**

Sanil Vasant Gaikwad

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Kuldeep Nikam, Advocate for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

Mr. Siddhant H. Deshpande a/w. Mr. Abhishek Avachat, Advocate for victim.

PSI - Anil Kerurkar, Lonavala City Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 287 of 2025 registered with Lonavala City Police Station, Pune, for the offences punishable under Sections 64(2)(m), 138, 304(2), 115(2) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS Act")

2. It is prosecution's case that the applicant kidnapped first informant in his car and sexually assaulted her by threatening her.

3. It is contention of learned counsel for the applicant that initially the complaint was lodged by the first informant stating that three persons forced her to sit the car, kidnapped her and sexually assaulted her by

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taking turns. Thereafter, she stated to the police that only applicant kidnapped her in car stating that he will drop her at her house and sexually assaulted her. There is change in statement of the complaint. The applicant is behind bars for more than six months. There is no progress in the trial. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for the respondent No.2 that the applicant kidnapped first informant in his car on the ground that he will drop her at her house and sexually assaulted her. If the applicant is released on bail, he may abscond or threaten first informant and prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. It appears from the record that initially complaint was lodged against three persons by the first informant alleging that they kidnapped her and sexually assaulted her. Thereafter, first informant has stated that the applicant kidnapped her and sexually assaulted her. The applicant is behind bars for more than six months. The complainant is major. There is no progress in the trial. Considering these facts, I pass following order.

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ORDER

- i. The applicant be enlarged on bail in C.R.No. 287 of 2025 registered with Lonavala City Police Station, 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 tamper with the evidence or attempt to influence or contact the complainant, 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.)