

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.215 OF 2026

Saurabh Bhagwan Walunj

....Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Ganesh Gupta along with Mr. Sahil Ghorpade, Mr. Surya P. Gupta, Mr. Madan K. Ms. Priyanka Rathod i/b. G. G. Legal Associates, Advocates for Applicant.

Mr. S. S. Pednekar, APP for Respondent-State.

Ms. Roshini Naaz with Ms. Sakshi Gujrathi, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th FEBRUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 578 of 2020 registered with Junnar Police Station, District Pune, for the offences punishable under Sections 376-D and 506 of the Indian Penal Code 1860, Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v), 3(2)(va), 3(1)(w)(i) (ii) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that on 20th December 2020, the applicant and co-accused sexually assaulted the first informant by taking her forcibly in a field. There are allegations of gang rape.

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3. It is contention of learned counsel for the applicant that the applicant is behind bars for more than five years , yet charge is not framed. At the time of the incident, the applicant was 19 year old student, he has no antecedents. It may take time to conclude the trial and requested to allow the application.

4. It is contention of learned APP that the applicant and co-accused gang raped the first informant who was minor. If the applicant is released on bail, he may threaten the first informant or prosecution witnesses and requested to reject the application.

5. Learned counsel for respondent No.2 submitted that the first informant is present in the Court. At the time of the incident, she was more than 17 years old, now she is 22 years old. She has filed affidavit stating that she is unmarried, she wants to marry and she does not wish to pursue the present case, and she has no objection, if the application is allowed.

6. I have heard all learned counsel, perused charge-sheet and documents produced on record. At the time of the incident, the applicant was 19 year old student, he has no antecedents. He is behind bars for more than five years, yet charge is not framed. It may take time to conclude the trial. Considering these facts, I pass following order:

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ORDER

- (i) The applicant be enlarged on bail in Crime No. 578 of 2020 registered with Junnar 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.)