

CNR – MH0090004852026



IN THE COURT OF ADD. SESSIONS JUDGE,
MALSHIRAS

Cri. B. A. No. 194/2026
Prashant Balbhim Gaikwad Vs.
The State of Maharashtra.

ORDER BELOW EXH. 1

01. Perused the application, say of APP at Exh. 04. Heard learned counsel for accused/applicant and A.P.P.

02. In short, it is the contention of accused/applicant that, he is innocent and he is falsely implicated in this crime. There is no material connecting the applicant with the alleged crime. He has no criminal antecedents. Offence does not attract under provisions of Atrocities Act against the applicant/accused. Accused has not committed any misbehavior with complainant. The applicant is permanently residing at above mentioned address and having household and landed property. There is no possibility of his absconding. Applicant is sole earning member of his family, his old parents are depend upon him. Applicant is ready to co operate investigation machinery. If Court allows bail, applicant will not pressurize witnesses and obstruct investigation. He is ready to abide by all conditions and also furnish surety to the satisfaction of Court. Hence, he prayed to release him on bail.

03. I.O. and APP in their say vide Exh. 4 and strongly objected to this application and stated in it that, the offence is serious. Offence is against women belonging to SC and ST community. Prima facie it is seen that, there is involvement of accused in the crime. If bail is granted to the applicant/accused, he will pressurize prosecution witnesses. For her business purpose, complainant goes to various towns, if bail is granted to the applicant, then he will harass complainant. There is possibility of repetition of crime. Hence they prayed to reject the application.

04. Heard both sides.

05. On perusal of record it is seen that, there was earlier consensual sex between accused/applicant and victim and later on it appears that, on demanding money quarrel between accused/applicant and victim took place. From the documents submitted by accused/applicant it appears that, some amount is transferred to victim. The accused/applicant is in jail/behind bar since 10.07.2026. Almost investigation in this crime is completed. There is no necessity of further detention of accused/applicant in this crime. The facts of this crime are such that, accused is entitled for bail. The Ld. Adv. for applicant/accused relied on decision of Hon'ble High Court of Bombay in the case of **Sunil Mahadev Patil Vs. State of Maharashtra, ABC 2016 (I) 34 BOM**, wherein it is observed and held as, Code of Criminal Procedure, 1973 – Section 439 – Regular Bail – India Penal Code, 1860 – Sections 376, 363 & Section 3, 4, 5 & 6 – Prosecution under – Minor prosecutrix – Age 15

years – Major accused – Age 20 – in love with each other – eloped and garlanded each other in temple – discloser of the prosecutrix to her relative – that she is married and wants to stay with applicant/accused – Many mitigating factors – Bail granted. This is not disputed. Hence the application deserves to be allowed. So, I proceed to pass the following order.

ORDER

- 1) Application is hereby allowed.
- 2) The applicant/accused Prashant Balbhim Gaikwad in connection with C.R.No. 307/2026, U/s. 64(1), 351, 352 of Bhartiya Nyaya Sanhita and under sections 3(1)(r)(s)(w), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Malshiras Police Station, be released on bail, on executing P.R. bond of Rs. 50,000/- and to furnish surety of like amount.
- 3) He shall not tamper with the prosecution evidence.
- 4) He shall not threaten the complainant or other witnesses.
- 5) He shall attend the dates without fail.

Date : 11.08.2026.

(L.D.Huli)

Additional Sessions Judge, Malshiras.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - S. V. Ghongade.

Court - Dist. Court 02 & Addl. Sessions
Judge, Malshiras.

Date of order/judgment signed by - 11.08.2026.
presiding officer.

Judgment/Order uploaded on - 11.08.2026.