

MHAU010038882026



IN THE COURT OF DISTRICT JUDGE – 7 AND
ADDITIONAL SESSIONS JUDGE,
(JUDGE, EXCLUSIVE FAST TRACK SPECIAL COURT,
AT CHHATRAPATI SAMBHAJINAGAR

BAIL APPLICATION NO. 984 / 2026

(CNR No. : MHAU010038882026) IN

(C.R. NO.: 165/2026 OF CHIKALTHANA POLICE STATION)

Tanaji Bhikaji Gajbhar	]	
Aged 32 Years, Occ :	]	
Residing at Kothari, Tq. Vasmat	]	...Applicant/
Dist. Hingoli	]	Accused
At present Sainagari, Shendraban		
Tq. & Dist. Chhatrapati Sambhajinagar		

V/s.

The State of Maharashtra

(At the instance of Chikalthana Police Station)	]	...
	]	Respondent

Appearance:-

Ld. Advocate Shri. M.P. Dipke for applicant/accused.

Ld. APP Smt. D.K. Nagula for State.

CORAM : ADDITIONAL SESSIONS JUDGE,
(JUDGE, EXCLUSIVE FAST TRACK
SPECIAL COURT), AURANGABAD
Shilpa S. Todkar

Date : 11th JUNE 2026

:: ORDER ::

This bail application is filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short “BNSS”) in connection with Crime No. 165 of 2026 registered with Chikalthana Police Station for the offences punishable under sections 78(2) of the Bharatiya Nyaya Sanhita (in short “BNS”), Section 66(C) & 67 of Information and Technology Act (in short “I.T. Act”) and section 11(iv), 11(v) punishable u/s. 12 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

The brief facts of the prosecution case is as follows -

2. The first information report has been lodged by the informant/victim stating that she is 17 years 11 months old and is residing along with her parents and brother at the address mentioned in the first information report. Her two elder sisters are married. After 1 to 2 years of marriage of her sister, her sister's husband i.e. accused started harassing her sister. Since 08.08.2025, her sister and accused alongwith their daughter came to reside at Shendraban, Tq. & Dist. Chhatrapati Sambhajinagar, by taking house on rent. On 04.11.2025, there occurred quarrel between her elder sister and her husband i.e. accused and thereafter, he left his house. Thereafter, since 05.11.2025, accused has been publishing the photographs of victim and his wife i.e. sister of the victim, with the caption of obscene messages. On 03.12.2025, while victim was returning from her college, accused came on motorcycle and by holding her hand with bad intention,

uttered obscene words to her and thereby outraged her modesty and sexually harassed her. Thus, she lodged complaint against him in the police but as her mother told to forgive him for this time, as he was close relative of them and he could harass them and her elder sister, due to said complaint. But, in January 2026, by using photographs and video of victim and her sister, he published obscene material on a Social Media App. On 27.03.2026, accused told her that he has photographs of victim taking bath and thereby he threatened to use the said depiction and publish the same on WhatsApp and Instagram and to defame her. Accordingly, first information report bearing crime No. 165 of 2026 for the offences punishable under section 78(2) of the BNS, section 66(C) & 67 of I.T. Act and section 11(iv), 11(v) punishable u/s. 12 of the POCSO Act has been registered against the applicant/accused.

3. According to the applicant, he is permanent resident of Chhatrapati Sambhajinagar. He has not committed any offence and he is innocent and has been falsely implicated in the present case. There is inordinate and unexplained delay of 4 months in lodging the complaint. There is marital dispute between the sister of the victim and her husband i.e. accused and on that count, family of victim are harassing the applicant / accused. Once, her wife was having extra marital affair and she had run away with a person and thus, he had lodged missing complaint in the police station. Victim and her sister forcibly took mobile phone of accused and themselves they have made viral the said obscene material on Social Media, through applicant's ID and they have also made fake

ID of applicant and published obscene photograph and videos of his sister and mother, on social media. The ingredients of offences alleged against him are not attracted. Entire investigation is completed and charge-sheet has been filed. Nothing to be recovered or discovered at the hands of applicant. Hence, further custody of the applicant is not warranted. Applicant was arrested on 27.04.2026 and now, he is in judicial custody.

4. Applicant is ready and willing to cooperate with the investigation. Applicant shall abide by the condition if imposed. Hence, this application.

5. Investigating officer filed reply and raised strong objection. According to them, the accused has made viral obscene material of victim and her sister on Social Media App and defamed them. The mobile handset allegedly used in commission of the offence is in the name of father of accused. The offence is serious in nature and against minor. Accused has criminal antecedents and crime No. 68/2026 has been registered against him for the offence punishable u/s. 68, 115, 352, 351(1)(2), 3(5) of BNS. According to them, although charge-sheet is filed, but looking to the fact that he is brother-in-law of victim and resides adjacent to the house of victim and her family members and in such circumstances, if accused released on bail there is every possibility of tampering prosecution evidence. Lastly, prayed for dismissal of the application.

6. Looking to the nature of the offence, the notice has been issued to the victim. Victim and her mother have filed say contending that accused has been constantly harassing them and he resides adjacent to their house and if accused is released on bail then there is every possibility of threatening her and her family members by accused. She has strong objection to release the applicant/accused on bail. Lastly, prayed to reject the application.

7. Perused the application, documents, charge-sheet and say filed by investigating officer and victim. Heard Ld. Adv for the applicant, Ld. APP for the State.

8. Record shows that investigation in the present case is completed and charge-sheet has been filed. The investigating officer has recorded the statement of witnesses and he also prepared spot panchnama. The birth certificate of the victim has been collected. The statement of victim u/s. 183 of BNSS has been recorded. So, the entire investigation has been completed.

9. It can be seen that the accused has been arrested on 27.04.2026 and since then he is behind bars. The investigation is completed. Trial will take its own time. I am of the view that the purpose can be served by imposing conditions on the accused. Thereby the rights of the victim and liberty of the accused can be balanced. Hence, I am inclined to consider the application subject to conditions.

10. In the result, I pass following order :

ORDER

1. Bail Application (Exh. 1) No. 984/2026 is allowed.
2. The accused by name **Tanaji Bhikaji Gajbhar** be released on his executing Personal Bond and Surety Bond of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** with one or two **sureties** in the like amount in connection with **C.R. No. 165 of 2026** registered with **Chikalthana** Police Station for the offences punishable under sections 78(2) of the Bharatiya Nyaya Sanhita, section 66(C) & 67 of Information and Technology Act and section 11(iv), 11(v) punishable u/s. 12 of the Protection of Children from Sexual Offences Act, 2012 on the following conditions :
 - (i)The accused shall attend **Chikalthana** police station on First Sunday in a month in between 2.00 pm to 5.00 pm, till conclusion of trial.
 - (ii)The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.
 - (iii)The accused shall not to tamper prosecution evidence in any manner.
 - (iv) The accused shall not to repeat the same, similar offence.
 - (v)The accused shall not leave India without previous permission of this Court.

3. Breach of any of the conditions as above would be a ground for cancellation of bail.
 4. The Application (Exh.1) is disposed off accordingly.
- (Dictated and Pronounced in the open court)**

Date : 11.06.2026

**(Shilpa S. Todkar)
District Judge – 7 and
Additional Sessions Judge
(Exclusive Fast Track Special Court)
Chhatrapati Sambhajnagar**

Directly dictated & typed on	: 11.06.2026
Checked and Corrected on	: 11.06.2026
Date of sign	: 11.06.2026

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of Stenographer	:	Sachin K. Tripure
	-	
Name of Court	:	Additional Sessions
	-	Judge, Court No. 7
		(POCSO), Aurangabad
Date of Decision	:	11.06.2026
	-	
Order signed by the P.O. on	:	11.06.2026
	-	
Order uploaded on	:	11.06.2026
	-	