

MHAU010054392026



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

BAIL APPLICATION NO. 1473 / 2026

(CNR No. : MHAU010054392026) IN

(C.R. NO.: 265/2026 OF CITY CHOWK POLICE STATION)

Rahul Shankar Gaikwad	]	
Aged 21, Years, Occ : Private Service,	]	
Residing at Shatabdinagar, N-12 Chhatrapati	]	...Applicant/
Sambhajinagar.	]	Accused

V/s.

The State of Maharashtra

(At the instance of City Chowk Police	]	... Respondent
Station)	]	

Appearance:-

Ld. Advocate Shri. G. S. Chavan 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 : 14th August 2026

:: ORDER ::

This bail application is filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short “BNSS”) in connection with Crime No. 265/2026 registered with City Chowk Police Station for the offences punishable under sections 65(1), 69 of the Bharatiya Nyaya Sanhita (in short “BNS”) and section 5(1) and 6 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 mother of victim stating that she is residing along with husband, four daughters and one son. Victim is her daughter. Victim is 15 years 08 months old. Friend of victim is their neighbour. Accused is brother of said friend of victim. So victim knows accused since from 1 year. On 09.07.2026 victim was suffering from stomach pain. So first informant took her in confidence and asked her, that time victim was crying and narrated that, on 19.01.2026 at about 12.00 noon accused called her in his house. That time nobody was present at the house of accused. Accused told victim that they will marry and demanded physical relation with her. Accused told victim to do sex with him, but victim refused for it. Despite of it accused remove the clothe of victim forcibly and established physical relations forcibly with victim. Thereafter accused established physical relations repeatedly with victim under the pretext of promise of marriage. Accused also threatened victim to kill her if she disclosed the said facts to anybody. Accordingly, first information report bearing crime No. 265 of 2026 for the offences

punishable under section 64(l), 69 of BNS and section 5(l) and 6 of POCSO Act has been registered against the applicant/accused. Thereafter section 351(3) of BNS is added.

3. According to the applicant, he is permanent resident of Chhatrapati Sambhajnagar. He has not committed any offence and he is innocent and has been falsely implicated in the present case. There was no any physical relation came in between applicant and victim. There is no prima facie concrete evidence to prove involvement of accused in the alleged offence. Most of the investigation is already completed and there is nothing to be recovered or discovered at the hands of applicant. Hence, further custody of the applicant is not warranted. Applicant was arrested on 10.07.2026 and now, he is in judicial custody.

4. Applicant is young & he has no criminal antecedents. The applicant is ready and willing to cooperate with the investigation. Applicant shall abide by the condition if imposed. Nothing is to be recovered from the applicant, therefore, further custody of the applicant is not required. Hence, this application.

5. Investigating officer filed reply and raised strong objection. According to them, the investigation is at primary stage. During investigation, involvement of present applicant has been revealed. Charge-sheet is yet to be filed. The offence is serious in nature and against minor. 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. She has filed reply at Exh.4 contending

that she has no objection to release the applicant on bail.

7. Perused the application, documents and say filed by investigating officer and victim. Heard Ld. Adv for the applicant, Ld. APP for the State. Every offence is against state and not against any particular individual, hence no objection of victim is no ground to release applicant on bail.

8. In the FIR, it is specifically mentioned that accused committed forcible sexual intercourse with victim under the pretext of promise of marriage. Record shows that the investigating officer has recorded the statement of witnesses and he also prepared spot panchnama. The investigation officer has also collected age-related document of victim. The statement of victim u/s. 183 of B.N.S.S. has been recorded. So, the entire investigation is completed and charge-sheet is ready to file. It can be seen that the accused has been arrested on 10.07.2026 and since then he is behind bars. 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.

9. In the result, I pass following order :

ORDER

1. Bail Application (Exh. 1) No.1473/2026 is allowed.
2. The accused by name **Rahul Shankar Gaikwad** be released on his executing Personal Bond and Surety Bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one or two sureties in the like amount in connection with **C.R. No. 265 of 2026**

registered with **City Chowk Police Station** for the offences punishable under sections 65(1), 69 of the Bharatiya Nyaya Sanhita (in short “BNS”) and section 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :

(i)The accused shall attend **City Chowk** police station on second 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.

3. Breach of any of the conditions as above would be a ground for cancellation of bail.

4. Inform the concerned accordingly.

5. The Application (Exh.1) is disposed off accordingly.

(Dictated and Pronounced in the open court)

Date : 14.08.2026

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

Directly dictated & typed on : 14.08.2026
Checked and Corrected on : 14.08.2026
Date of sign : 14.08.2026

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	:-	Pankaj R. Saindane
Name of Court	:-	Additional Sessions Judge, Court No. 7 Aurangabad
Date of Decision	:-	14.08.2026
Order signed by the P.O. on	:-	14.08.2026
Order uploaded on	:-	14.08.2026