

**Special Case No.-152/2019**

**Sachin Dipak Gaikwad Vs. State of Maharashtra
through Baramati Taluka P.S.**

(A)	CASE DETAILS	
	FIR Number & Date	699/2018, 12/11/2018
	Police Station, District and State	Baramati Taluka Police Station, Dist. Pune Maharashtra
	Sections invoked	363, 366, 376(1), 376(2)(i), 376(2)(j) and 376(3) of Indian Penal Code and under sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012.
	Maximum punishment prescribed	Life Imprisonment.
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
	Date of Arrest	03/07/2026.
	Total period of custody undergone	0 days
(C)	STATUS OF TRIAL	
	Stage of proceedings (Investigation/Chargesheet/Cognizance/Framing of Charges/Trial)	Trial.
	Total number of witnesses cited in the chargesheet	23 witnesses
	Number of prosecution witnesses examined	NIL
(D)	CRIMINAL ANTECEDENTS	
	FIR No. & Police Station	No information provided by the accused
	Sections	---

	Status (Pending/Acquitted/Convicted)	---
(E)	PREVIOUS BAIL APPLICATIONS	
	Court	Nil
	Case No.	Nil
	Outcome of case	Nil
(F)	COERCIVE PROCESSES	
	Whether any Non-Bailable Warrant was issued	No.
	Whether declared a proclaimed offender	No.

ORDER BELOW EXHs.-17 and 18

01] These are the applications, filed by the accused/applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for granting regular bail from Crime No.699/2018, registered with Baramati Taluka Police Station, punishable under Sections 363, 366, 376(1), 376(2)(i), 376(2)(j) and 376(3) of Indian Penal Code and under sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012.

02] The prosecution by say below application at Exh.17, denied all allegations, contested the applications on various grounds and requested for rejecting the same.

03] Heard Ld. advocate Shri. H. L. Jagdale for accused/applicant and APP Shri Sandip Ohol for State. Perused record. Following points arise for determination and my findings thereon for the reasons recorded thereunder are as follows :-

Sr No.	Points	Findings
1.	Whether the accused/applicant is entitled to get relief of bail ?	<u>No.</u>
2.	What order ?	<u>As per final order.</u>

REASONS

AS TO POINT NOS-1 AND 2 :-

04] In support of the application neither the accused/applicant and in support of the say nor the prosecution as well as complainant and victim have produced on record any affidavit.

05] It reveals that, there are allegations against the accused/applicant that, on 11.11.2018, he had taken the daughter of complainant i.e. victim girl aged about 16 years, taken her to his brother in law's house, taken room there, committed repeated rape on her on pretext of marriage, then taken her at her girl friend's lawn, kept there for 15 to 16 days, then taken her to his friend's house kept there for 8 to 9 days and on 23.12.2018 and she found to one witness.

06] Advocate of accused/applicant submitted that, the accused/applicant has not committed any offence, the accused/applicant is already

ordered to be released on bail by the Court, since then he has not committed any offence, he complied terms and conditions imposed by the Court, he was out of station and as such was not in a position to contact with his earlier Advocate, he will remain present on each date and conduct the trial, he is ready to give appropriate bail and abide by it's conditions and as the victim has given no objection for his release on bail, he may be released on conditional bail, otherwise he will suffer an irreparable loss.

07] The prosecution objected and APP submitted that, the accused/applicant remained absent since long, NBW was issued against him, he is taken in Judicial Custody, the case is serious one, the prosecution is ready to conduct it on day to day basis, the accused/applicant if released on bail, he will prolong the hearing of the case, he will not attend regularly, he will hide himself and as such he is not entitled to get relief of bail.

08] After hearing arguments of Ld. Advocate of accused/applicant and APP, I have gone through the record. It reveals that, the nature of the case registered against the accused/applicant is very serious one. The charges of aforesaid offences are framed against him vide Exh.8 as on 21.11.2022. There is prima facie case against him, for which life imprisonment is provided. Though his Advocate has submitted that the accused/applicant has complied with the terms and conditions imposed on him while granting bail to him, on perusal of order on his application at Exh.15 dated 03.07.2026, it appears that there is no such situation. The accused/applicant floated the condition of appearance before the Court on date fixed and proceeding further with the trial of such old case filed as on

13.12.2019 and ready for hearing since 21.11.2022. The order as well as record prima facie show that during the period in between 14.03.2019 to 03.07.2026, he appeared before the Court for five occasions, mostly for cancellation for NBW order issued against him. The record shows that NBW order passed as on 18.04.2023 against him was not executed during the period in between 26.02.2024 till filing application at Exh.13 dated 03.07.2026 due to his non-residence on given address. In the circumstances, there appears merit in objections of the prosecution and submission of APP that if the accused/applicant is released on bail, he will repeat similar kind of his behaviour of remaining absent and not finding on given address. The reasons given for non appearance before the Court on date fixed due to no contact of Advocate, cannot be accepted as correct one, as it appears that he is changing Advocate for cancellation of NBW order issued against him. Once he floated the order of bail and taken into custody, he cannot seek benefit of earlier bail order that too without deposit of earlier bond amount. On the background of aforesaid discussion, no application of bail in format supported by affidavit and no say received from the complainant, mere no objection of the victim for release of the accused/applicant on bail and arguments to that effect cannot be accepted as correct one, particularly when the case is serious one, the prosecution is ready to conduct it expeditiously and the conduct of the accused/applicant is not deserving to grant him bail and keep the case pending years together by issuing NBW on address on which he is not finding.

09] Considering facts, circumstances, evidence on record and legal position discussed above, I come to the conclusion that, the accused/

applicant prima facie failed to prove that, he is entitled to get relief of bail. Accordingly, point No.1 answered in the “Negative” and I pass the following order.

ORDER

Applications Exhs.17 and 18 are hereby rejected

Date:-07.07.2026.

(R. G. Malashetti)
Special Judge under POCSO Act,
Baramati.

CERTIFICATE

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

Court Name :- R. G. Malashetti,
Special Judge under POCSO Act, Baramati

Name of Steno. :- I. E. Deshmukh, (Steno -Grade-1)

Date of order. :- 07.07.2026.

Order signed by P.O. on :- 07.07.2026.

Order uploaded on :- 07.07.2026.