

IN THE COURT OF ADDL. SESSIONS JUDGE-2 KANDHAR

CNR No. MHND080008052025 	<u>Sessions Case No. 34/2025</u> <u>Kailas Sakharam Gaikwad</u> <u>Vs.</u> <u>State of Maharashtra</u>
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ORDER BELOW EXH-17

This is second bail application, after filing of the charge sheet, under section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ('BNSS' in short) in connection with **C.R. No.161 of 2025** registered with **Osmannagar** Police Station, Dist. Nanded for the offences punishable under sections 64(1), 69, 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' in short) with section 67 of the Information Technology Act 2000.

2. Needless to mention here that the earlier bail application (Exh. 03) of the accused was rejected on 01-11-2025 on merit.

3. In short, the prosecution case is that:-

Informant alleged that the accused at about one year ago asked the informant to marry him to which she refused. It is alleged that in April 2014 the accused came to the house of the informant and established physical relations with her on the pretext of marriage. It is further alleged that applicant accused used to say that he is having videos of them and if she refuses for relations he will viral the said videos. It is alleged that the applicant accused used to have physical relations with her by threatening her. Ultimately, FIR came to be registered.

4. The learned APP has filed say overleaf on the application and has resisted the application.

5. Heard both the sides.

6. The learned advocate for the applicant submitted that the applicant has not committed any offence. He submitted that there are consensual relations between the accused and the victim. He submitted that the applicant is married and the informant knows this fact. There is no force on the part of applicant. The investigation is completed and charge sheet is filed. The applicant is behind bars since 25-07-2025. The applicant is ready to abide whatever conditions imposed by this court if released on bail. Hence, application be granted.

7. The learned advocate for the accused relied on the following case laws;

i) ADVS Vs. State of Kerala , Bail Application No. 11668/2025 dated 17-0-2025. (Hon'ble High Court of Kerala)

ii) Shubham Ashok Patil Vs. State of Maharashtra, Bail Application No. 1197/2022 dated 19-08-2022 (Hon'ble Bombay High Court, Bench at Aurangabad)

iii) Maheshwar Tigga Vs. The State of Jharkhand, Criminal Appeal No. 635/2020 (Hon'ble Supreme Court)

8. On the other hand, the learned APP strongly opposes the application. He submitted that the applicant has committed sexual intercourse on the pretext of marriage and also posted the nude videos of himself and the victim on social media and defamed the victim. He further submitted that earlier bail application of the accused was rejected on merit. There are no change in circumstances. The application is not tenable in the eye of law.

Hence prayed for rejection of the application.

9. I have gone through the record. The allegations against the applicant is that he committed rape repeatedly by threatening the victim that he will post the nude videos viral.

10. It is argued on behalf of the applicant that by going through the charge sheet the applicant accused has not made the videos viral but statement of witness Sonyabai Dhondibai Chinchole shows that she received two videos by one Muktabai and she has forwarded it to the mobile number 9511614903 of one Narayan Nagorao Bhong. This version is came only in one statement of the witness. However, by going through the chargesheet it reveals that the applicant accused had made viral the videos and thus the said videos are forwarded from one person to another person. The mobile phone of the accused is forwarded to Forensic Laboratory.

11. I have gone through the case laws filed by the learned advocate for the accused. But in the present matter the earlier bail application of the applicant accused was rejected after filing of chargesheet. There is no change in circumstances. The applicant if released on bail he may tamper the evidence.

12. In view of the above, I am not inclined to exercise discretion under section 483 of BNSS. Hence, the order:

ORDER

Application (Exh. 17) is hereby rejected.

Date : 12.06.2026

(A. P. Kulkarni)
Special Judge/
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

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

Name of stenographer	Anand P Deshmukh
Name of Court	Addl. Sessions Court-2, Kandhar
Date of Dictation	12.06.2026
Order signed by the P.O on	12.06.2026
Order uploaded on	12.06.2026

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