

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN. NO. 61 OF 2026

A B C Victim

... Applicant

Versus

Sarvadnya Santosh Gaikwad And Anr.

... Respondents

Mr. Kuldeep U. Nikam for the Applicant.

Mr. Satyam Nimbalkar (Through V.C.) a/w. Mr. Yash Fadtare for the Respondent No.1.

Mrs. S.N. Deshmukh, A.P.P for the Respondent-State.

Coram : RANJITSINHA RAJA BHONSALE, J.

Date : 8th May 2026.

PER COURT :

- 1.** Leave to amend to add prayer clause (b1) seeking interim/ad-interim relief in A.PL. No.61 of 2026.
- 2.** Leave granted.
- 3.** Amendment to be carried out forthwith.
- 4.** By the present Application, the Applicant prays that the order dated 4th March 2026 passed by the learned Additional Sessions Judge, Sangli in Sessions Case No. 155 of 2025 relaxing the bail condition imposed upon the Respondent No.1 be set-aside and the original bail condition being bail

condition No.(ii)- “Applicant/accused No.2 shall not enter vicinity of Bharati Vidyapeeth Medical College and Hostel till conclusion of trial”, be restored.

5. Learned Advocate for the Applicant submits that the order dated 4th March 2026 by which the said condition has been relaxed is totally unfounded and untenable. He would submit that, the reason on which the said condition has been relaxed is that, though the victim and the other witnesses are present in the same educational campus, the buildings where the 3rd year MBBS students and 2nd year MBBS students are studying are different and therefore, the chances of the victim and/or the witnesses and the Respondent No.1 facing each other or coming in contact with each other would be minimal. He would submit that, the reason is totally untenable. Such reasoning may not be acceptable in serious and grievous offences, as the present one.

6. Mr. Nimbalkar, learned counsel appearing for the Respondent No.1 considering the nature and seriousness of the offences seeks time to take instructions in the matter more particularly the attendance of the Respondent No.1 and the possibility of Respondent No.1 seeking a transfer from the said educational institution. Considering the seriousness and gravity of the case, as well as the allegations and charges levelled against Respondent No.1, it is of utmost importance to ensure that the witnesses are adequately protected. Further, it is imperative that the victim is safeguarded

and that her mental, physical, and emotional well-being is maintained and duly taken care of. At the same time, it would also be necessary to consider and keep in mind the educational prospects and carrer of the Respondent No.1 is not damaged or affected in an irreparable manner.

7. Learned A.P.P. has filed affidavit dated 4th May 2026 of Mr. Sudhir G. Bhalerao, the Investigating Officer, Vishrambaug Police Station, Sangli.

8. Perusal of the contents of the affidavit, to say the least, are surprising. The Investigating Officer in the affidavit has specifically stated the fact that the Respondent No.1 has after changing his address and mobile number, not informed the police authorities of the same. The said conduct of the Respondent No.1 is in fact in *prima facie* violation of condition No.(vi) of the order dated 24th September 2025 by which bail was granted.

9. It is the contention of the Investigating Officer that, when an attempt was made to serve the Respondent No.1 at the address available with the Investigating Officer i.e. F-605, Sargam, Nanded City, Sinhgad Road, Pune, the Respondent No.1 was not present there and the father of Respondent No.1 called him after which the notice was being served. On 30th April 2026 when the Respondent No.1 was present in the Court he had, on being enquired with, categorically stated that his current residential address is House No.486, Dattawadi, Pune. That, the Respondent No.1 changed his address after bail was granted to him.

10. Learned A.P.P., on instructions, reconfirms the stand of the Investigating Officer that the change of mobile number and address is not informed to the Investigating Officer. Learned A.P.P. would refer to para No.8 of the affidavit to state that the Respondent No.1 has not informed the Investigating Officer on a phone call nor visited the Vishrambaug Police Station, informing about change of address and mobile number.

11. Learned A.P.P. would submit that, perusal of paragraph Nos.4 & 7 of the Affidavit filed by the Investigating Officer would indicate that the Respondent No.1 has changed his mobile number and/or obtained a new mobile number information of which has not been provided to the Investigating Officer. That, the Respondent No.1 has not properly informed about the change of address or nor has the Respondent No.1 has provided his new mobile number to the Investigating Officer. The learned A.P.P. on instructions submit that the Investigating Officer has initiated steps to seek cancellation of bail of the Respondent No.1.

12. Stand over to 12th June 2026 (High on board).

13. Considering the submissions, there shall be ad-interim relief in terms of prayer clause (b1).

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[RANJITSINHA RAJA BHONSALE, J.]