

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.23 OF 2023

**PRASAD @ GURU BANDU GAVLI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. A.V. Lavte
APP for Respondent No.1: Mr. S. P. Deshmukh
Advocate for Respondent No.2 : Mr. S. B. Bhosale
(appointed through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 07.02.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.
2. It is a case of consensual sex after the marriage. The victim's statement is very specific that she threatened the applicant to meet her otherwise she would commit suicide. Thereafter, they lived together for about three months. They performed the marriage. She specifically states that she has no complaint against anybody. The only position adverse to the applicant is that she was below 15 years at that time. Her statement reveals that she was able to take an appropriate decision. It was a case of love affair. The charge sheet has been filed.

Nothing remained to be recovered. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Prasad @ Guru S/o Bandu Gavli, be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. 90 of 2022 registered with Majalgaon (City) Police Station District Beed for the offences punishable under Sections 363,376(2)(n), 366, 109 of Indian Penal Code and under Section 4,6,17 of Protection of Children from Sexual Offences Act, 2012 .
- (iii). The Secretary, High Court Legal Services Sub- Committee Aurangabad do pay the fee to the learned counsel appointed for the respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE