

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

BAIL APPLICATION NO.63 OF 2023

BANTI BHAGWAN BHILL @ GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. V. Suryawanshi
APP for Respondent No.1: Mr. S. P. Deshmukh
Advocate for Respondent No.2 : Mr. P. B. Jadhav
(appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 03.02.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P for respondent No.1 and learned counsel for respondent No.2/victim.

2. The statement of the victim reveals that her parents proposed her marriage with the son of her paternal aunt. She had love affair with the applicant. Hence, she asked the applicant to flee away. Therefore, they went together. They had no money to have food, therefore, they directly reached one police station. There are no allegations of sexual assault. In the facts and circumstances of the case, the applicant deserves bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant Banti Bhagwan Bhil @ Gaikwad, 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. 413 of 2022 registered with Pahur Police Station District Jalgaon for the offence punishable under Section 363 of the Indian Penal Code and under Section 12 of the Protection of Children From Sexual Offences Act, 2012 on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the concerned police station as and when called on written notice till charge sheet is filed.
 - (c) The Secretary, High Court Legal Services Sub-committee, Aurangabad do pay the fee to the counsel appointed to represent respondent No.2/victim.

(S. G. MEHARE)
JUDGE