

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

BAIL APPLICATION NO.87 OF 2023

**KAILAS RAGHUNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. H.F. Pawar
APP for Respondent No.1: Mr. K. S. Patil
Advocate for Respondent No.2 : Mr. Sarang Joshi

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CORAM : S. G. MEHARE, J.

DATE : 14.02.2023

PER COURT :

1. Heard learned counsel for the applicant, learned A.PP for the State and learned counsel for respondent No.2 representing the victim.
2. The incident happened in the house of the victim at late hours. It has been alleged that the applicant entered her home and asked the victim to elope with him. It has also been alleged that the applicant entered her home with a small knife and a syringe used for injecting animals. After some time the father of the victim awoke and applicant fled away. The incident happened on 2.12.2022 and on the next day the applicant was arrested. It also appears that the family of the victim and family of the applicant were acquainted. Possibility of having love

affair cannot be ruled out. Be that as it may, nothing remained to be recovered from the applicant. There are no antecedents to the discredit of the applicant. The mother of the victim had lodged the report that the victim had left the house without intimating anybody. Considering the conduct of the victim, it appears that she wanted to live with the applicant. Considering the facts and circumstances and the conduct of the victim, it would be inappropriate to keep the applicant behind bar. Hence, the following order :-

- (i) The application is allowed.
- (ii) Applicant Kailas Raghunath Patil 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. 542 of 2022, registered with Chalisgaon Rural Police Station, District Jalgaon, for the offences punishable under Sections 354, 448, 506 of the Indian Penal Code and under Section 8 of the Protection of Children From Sexual Offences Act on the conditions that :-
 - (a) The applicant shall not enter village Done Digar, Bilakheda, Taluka Chalisgaon, District Jalgaon for a period of three months from the date of his release.
 - (b) The applicant shall not contact the victim or any other witnesses till conclusion of the trial.

- (iii) The Secretary, High Court Legal Services Sub-committee, Aurangabad do pay the fees to the counsel appointed for respondent no.2 as per schedule.

(S. G. MEHARE)
JUDGE

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