

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

927 BAIL APPLICATION NO.159 OF 2023

AKASH DIGAMBAR YADMWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Ashish P.
APP for Respondent-State : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. Y. G. Biradar h/f Mr. M. S.
Shaikh.
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CORAM : S. G. MEHARE, J.
DATE : 14.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2.
2. Leave granted to the learned counsel appearing for respondent No.2 to file Vakalatnama.
3. As per the prosecution case, at the time of the alleged incident, the victim was 17 years and 02 months old. Initially, the missing report was filed. Then, the victim and accused found together. They had love affair. The victim has filed an affidavit before the learned Sessions Judge that she was 18 years old at the time of the incident. The applicant is her

friend. He did not take her anywhere nor committed any atrocities or the sexual assault with her. She has also specifically stated in the affidavit that her father has lodged the report against the applicant since their families have differences. Considering the facts of the case and the advanced age of the victim, it would be inappropriate to keep the applicant behind the bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AKASH DIGAMBAR YADMWAD** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.256 of 2022, registered by Police Station Himayatnagar, District Nanded, for the offences punishable under Sections 363, 366A, 376(2)(j) (n) of the IPC and Section 3, 4 and 12 of the POCSO Act, on the condition not to contact the witnesses till the conclusion of the trial.

(S. G. MEHARE, J.)

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