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

BAIL APPLICATION NO.165 OF 2023

**PRASHANT PARASRAM DEVAKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. Bhosle Santosh C.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. Shivprasad Jadhavar h/f
Mr. Namdev D Kendre

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 02, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The maternal uncle of the victim has lodged the report having suspicion against the applicant that he kidnapped her. However, the statement of the victim is not supporting the prosecution case. She was about 17 years old at the time of the incident. There are ample circumstances to believe that she had love affair with the applicant and she was knowing the consequences of the acts she was committing. She had also no complaint of forceful sex against her will. Therefore, the applicant has a good case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Prashant Parasram Devake, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.122 of 2022, registered with Bhokar Police Station, District Nanded for the offence punishable under Section 376(1), 366-A, 363 read with Section 34 of the Indian Penal Code and Section 4, 8, 12 of the Protection of Children From Sexual Offences Act, on the conditions that ;

- (a) The applicant shall not contact the victim till the conclusion of the trial.
- (b) The applicant shall not tamper with the prosecution evidence.

(S.G. MEHARE, J.)