

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

919 BAIL APPLICATION NO.246 OF 2023

KRUSHNA JALINDAR MASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sushant Baburao Choudhari.
APP for Respondent-State : Mr. S. B. Narwade
Advocate for Respondent No.2 : Ms. J. P. Reddy-Appointed.

...

CORAM : S. G. MEHARE, J.
DATE : 01.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel appointed for respondent No.2/victim.

2. The statement of the victim reveals that she had affair with the applicant. She went with the applicant leaving her parents home and stayed with him for about one year and eight months. She has also the case that she married the applicant. She never tried to escape from the custody of the applicant. Therefore, the allegations of forceful sex appears not probable. The material investigation has been completed. She was in advanced age knowing the consequences of acts, she was doing. She appears to have a good capacity to take

the decision. Nothing is to be recovered and interrogated from the applicant. The applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **KRUSHNA JALINDAR MASKE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.72 of 2021, registered by Police Station Washi, District Osmanabad, for the offences punishable under Sections 363, 366, 376(2)(N), 376(3), 109, 114 read with Section 34 of the IPC, Sections 4, 8, 12, 17 of the POCSO Act and Sections 9, 10, 11 of the Prohibition of Child Marriage Act, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim or any other witness till the conclusion of the trial.

- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Ms. Reddy as per the schedule.

(S. G. MEHARE, J.)

...

vmk/-