

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

913 BAIL APPLICATION NO.1847 OF 2022

ADESH SAMBHAJI PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent State: Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. A. S. Savale (appointed through
Legal Aid Services)

CORAM : S. G. MEHARE, J.

DATE : 5th JANUARY, 2023

ORDER:

1. Heard learned counsel for the applicant, learned APP for the State and Mr. Savale, learned counsel appointed through legal aid to represent the respondent No.2/ informant.

2. The facts of the case reveals that the victim was around 15 years old at the time of incident. Though she alleged that at the first time she was forced to have sex, but on the very second day, she eloped with the applicant in the wee hours. Her further statement reveals that she had relation with the applicant for last one year. Bare allegations against the applicant were that he promised to marry her after divorcing his wife. Considering this fact, it may be inferred that the victim was knowing the consequence of the act she was committing. She willfully

went with the applicant. If really she had no consent, she would not have eloped with the applicant on the next day of forcible sex. Be that as it may, this is mater of evidence before the trial court.

3. In the light of the facts of the case, it would be inappropriate to keep the applicant behind bars. Hence the order.

O R D E R

- i. The bail application is allowed.
- ii. The applicant Adesh s/o Sambhaji Pawar be released on bail on executing P. R. and S.B. of Rs.50,000/- with one solvent surety of the like amount in connection with Crime No. 0385/2022 registered with Shrigonda Police Station, District Ahmednagar for the offences punishable under sections 363, 366, 376(2), (I)(J)(N) of the Indian Penal Code on the condition that he shall contact the victim till conclusion of the trial.
- iii. The Secretary, High Court Legal Services Sub-Committee, Aurangabad, is requested to pay the fee to Advocate Shri A. S. Savale as per schedule.

(S. G. MEHARE, J.)

JPChavan