

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

BAIL APPLICATION NO.1930 OF 2022

**DNYANESHWAR BAPURAO AVHAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Kadam Vikram S.
APP for Respondent No.1: Mr. K. S. Patil
Advocate for Respondent No.2 : Mrs. Sabahat T. Kazi (appointed)

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CORAM : S. G. MEHARE, J.

DATE : 08.02.2023

PER COURT :

1. Heard the learned counsel for the applicant, learned A.PP for the respondent-State and learned counsel representing the mother of the victim.

2. The victim and her father have been died in the lightening. Her statement appears contradictory as regards to taking her away. The landlord of the applicant did state nothing about wrongful confinement of the victim. She herself had stated that they had developed love relationship. She stayed with the applicant for two months in a chawl. The applicant used to go on his duty. Within two months period she never complained with the neighbourers or

landlord that she had been confined. She was around 15 years old at the time of the incident. Considering the facts of the case, it appears that it was consensual relationship. The investigation has been completed. The victim and her father died, there is no question of tampering with the prosecution witnesses. In the peculiar circumstances, the applicant deserves bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant Dnyaneshwar Bapurao Avhad be released on bail, on executing PB. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. 62 of 2022 registered with Chudawa Police Station District Parbhani for the offences punishable under Sections 363, 366, 376(2)(i)(2)(N), 343 of Indian Penal Code and Section 4,8,17 of POCSO Act, 2012 on the condition that he shall attend the trial on each and every date.
- (iii) The Secretary, High Court Legal Services Sub- Committee Aurangabad do pay the fee to the learned counsel appointed for the respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE