

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

BAIL APPLICATION NO.1993 OF 2022

**SUBHAN SITAB KHA TADAVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mrs. Fatema S. Kazi
APP for Respondent: Mr. K. S. Patil
Advocate for Respondent No.2 : Mr. Saeed S. Shaikh

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CORAM : S. G. MEHARE, J.

DATE : 06.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/Victim.

2. The victim was 16 years and 8 months old at the time of the alleged incident. Though she has made allegations against the applicant that he forcefully took her from the custody of her parents, her further statement reveals that she was traveling with the applicant from one place to another for hours together. She was with him for about nine days. They lived as husband and wife. She never made any attempt to flee away from the custody of the applicant. Hence,

there is substance in the argument of the learned counsel for the applicant that false allegations are made against the applicant. He never did anything wrong with her. The applicant is young boy of 21 years old. He may be granted bail.

3. Considering her age, it appears that, she was able to know the consequences of the acts she was doing. The reasons are best known to her why she did not resist the applicant and seek the help from persons who met her during her stay. These are the doubtful circumstances for which the applicant deserves bail. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Subhash Sitab Kha Tadavi 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. 7 of 2022, registered with Faizpur Police Station, District Jalgaon, for the offences punishable under Sections 363, 376(2)(n), 506 of the Indian Penal Code and Section 3(1)/4 of Protection of Children From Sexual Offences Act on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not contact the victim in any mode or

manner till conclusion of the trial.

- (c) He shall not enter village Islampur, Tq. Jalgaon Jamod, District Buldhana, where the victim and her parents reside, till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees to the counsel appointed for respondent No.2 as per schedule.

(S. G. MEHARE)
JUDGE

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