

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2149 OF 2022

RAHUL ASHOK WAGH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kishor G. Gaikwad, Mr. R. R. Kale
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 05-01-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. As per the date of birth of the victim on the date of the alleged incident, she was above 18. Therefore, learned counsel for the applicant raised a question that Section 363 of the Indian Penal Code would not attract. He would further argue that after registering the crime, Section 366 of the Indian Penal Code has been applied with a view to oppose the love affair. There are no complaints of any illtreatment and material to attract Section 366 of the Indian Penal Code.
3. The documents placed on record by the prosecution reveal that on the date of the alleged incident, the victim was above 18.

There appears substance in the submissions of the learned counsel for the applicant. *Prima facie*, the applicant has a strong case for bail. Hence, the following order:-

- i) The application is allowed.
- ii) Applicant Rahul Ashok Wagh be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of like amount, in C.R.No.0548 of 2022 registered with MIDC Waluj Police Station, District Aurangabad, for the offence punishable under Sections 363 and 366 of the Indian Penal Code.

(S. G. MEHARE)
JUDGE

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