

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

BAIL APPLICATION NO.2242 OF 2022

**ASHOK KALYAN KHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Mr. R. G. Hange
APP for Respondent No. 1 & 2: Mr. K. S. Patil
Advocate for respondent No.3 : Mr. Sharad Shinde (appointed Through
Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 13.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent Nos. 1 and 2/State and the learned counsel for respondent No.3/ the victim.

2. The papers reveal that the victim and applicant were in love relationship. The victim was 14 years plus at the time of the alleged incident. Her statement reveals that she left the home at her own accord and went with the applicant. She did not make serious allegation of forceful sex. She was in advanced age and able to take appropriate decision about her life. The possibility of family oppose to their love relationship cannot be denied. The investigation has been

completed. There are no antecedents to the discredit of the applicant. Hence, he deserves bail.

- (i) The application is allowed.
- (ii) Applicant Ashok Kalyan Khade 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. 116 of 2022 registered at Ambi Police Station, Taluka Bhoom District Osmanabad, for the offences punishable under Sections 376 (2),(n), 376(3), 363, 366(A), 354(D) of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children From Sexual Offences Act on the conditions that :-

- (a) He shall not contact the victim till conclusion of the trial.
- (b) The applicant shall stay away from his village for two months from the date of his release.

The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fee to the learned counsel appointed for respondent No.3/victim, as per the schedule.

(S. G. MEHARE)
JUDGE