



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

BAIL APPLICATION NO. 737 OF 2024

VIJAY @ KIRAN BHASKAR KANWADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Ajinkya Kale holding for and
on behalf of Talekar And Associates
APP for Respondent No.1 : Ms. D. S. Jape
Advocate for Respondent No.2 : Mr. R. N. Bhapkar
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CORAM : S. G. MEHARE, J.

DATE : 03-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel appointed for respondent No.2.
2. The applicant seeks bail in C.R.No.I-88 of 2024 registered with Akole Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 376, 376(3), 506 of the Indian Penal Code and Sections 4, 5(N), 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is a strange case of alleging sexual assault after a long delay. The allegations show that it was a solitary incident happened two years before lodging the report. It has been alleged against the applicant that while doing forcible sex with the victim,

he video-graphed it in his mobile. However, nothing is recovered like. The sole evidence with prosecution is the contents/message sent to her by the applicant on the day before the alleged second incident. In these two years, there were no complaints of forcible sex or any threat. The applicant has explanation that since he had leased out the land, there were family dispute. She had a affair with some one else. Hence, he was asking her to stop it. Therefore, he has been falsely involved in the crime.

4. Considering the above facts and delay in lodging the report, the Court is of the view that the detention of the applicant would serve no purpose. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant Vijay @ Kiran Bhaskar Kanwade be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall stay away from village Sultanpur, Post Kalas, Taluka Akole, District Ahmednagar, till the conclusion of the trial.
 - (c) The above condition has been imposed only on the applicant that he was residing in one premises with the

complainant. Hence, the condition would not be relaxed.

iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE

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