



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

BAIL APPLICATION NO. 779 OF 2024

BAJIRAO PRABHU KADARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent No.1 : Ms. P. R. Bharaswadkar
Advocate for Respondent No.2 : Mr. Saisagar A. Ambilwade

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CORAM : S. G. MEHARE, J.
DATE : 25-07-2024

PER COURT :-

1. Heard learned counsel for the applicant, learned A.P.P. for respondent No.1 and learned counsel for respondent No.2.
2. The applicant seeks bail in C.R.No.I-152 of 2023 registered with Shevgaon Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(j) and 506 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.
3. Perused the application and the statements of the victim.
4. It appears that it was a case of love affair. The victim was calling the applicant and going with him and her friends. The victim herself offer accepted the proposal of the applicant on the condition to marry her. Her parents were opposing her. She had complaint against them.

5. Learned counsel for the applicant has pointed out that the parents apprehended the applicant and the victim at some place and brought to the police station. On the day of apprehension and bringing them to the police station, the victim did not give the statement. Thereafter, she was given in custody of her mother and three days thereafter. she was brought to the police station and her statement was recorded on the basis of which the applicant has been arraigned as an accused. On the day of his apprehension and bringing him to the police station, the offence under Section 363 of the Indian Penal Code was registered. Thereafter, on the statement of the victim, the serious offence as mentioned above has been registered against the applicant. It is a love affair. Hence, bail may be granted.

7. Though, the learned A.P.P. and the learned counsel for the victim opposed the application, the Court, after going through the papers and facts of the case, is of the view that the victim was able to take decision. She herself left the house with the the applicant. They had love affair. Her belated statement against the applicant may be under the family pressure. Further detention of the applicant would serve no purpose. Hence, the applicant deserves bail.

ORDER

- i) The application is allowed.

- ii) Applicant Bajirao Prabhu Kadare 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 not contact the victim till the trial is concluded.
 - (c) He shall attend the trial on each and every effective date.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S. G. MEHARE)
JUDGE

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