



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

BAIL APPLICATION NO. 927 OF 2024

AKSHAY BALKISAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Dnyaneshwar B. Pokale
APP for Respondent No.1 : Mrs. Priya R. Bharaswadkar
Advocate for Respondent No.2 : Mr. Ashok Mundhe
(Appointed Through Legal Aid)
...

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.4 of 2024 registered with Wadwani Police Station, District Beed, for the offences punishable under Sections 307, 354, 354A, 354D, 279, 337, 338 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The prosecution has a case that the applicant had caught hold the victim. However, she opposed him. A day before the last incident, the applicant threatened her. On the next date, he deliberately dashed her with vehicle. In a dash, she suffered fractured injury to her hand. She was taken to the hospital.

4. Learned counsel for the applicant submits that there is discrepancy about causing the accident at the hands of the applicant. The friends of the victim who took her in the hospital did not state that the applicant dashed her by vehicle. The statement of the Doctor who firstly treated her reveals that she had not specifically told to him that it was the applicant to dashed her by motorbike. She suffered grievous injury, but it was not caused by the applicant. The applicant belong to other caste. Hence, the family members of the victim had a grievance against him. He is languishing in jail for a sufficient time. Hence, bail may be granted.

5. Learned A.P.P. for respondent No.1 and learned counsel for respondent No.2 submit that when she refused to the applicant to accept his proposal, next day the applicant deliberately caused the accident with an intent to kill her, but she could hardly save herself.

6. The learned counsel for victim argued that when the bail application was pending before the learned Additional Session Judge, the relatives of the applicant threatened the family members of the applicant saying that, why report was lodged against him. Non-cognizable case was registered about the said incident dated 08.05.2022. The victim is a minor college going girl. If the applicant is released on bail, there is danger to her life.

The offence is serious. Hence, bail may not be granted.

7. There are certain discrepancies about causing the injury to the deceased in the accident by the vehicle. The vehicle has been recovered. The victim has been discharged. The applicant is a young boy. There are no antecedents to his discredit. Considering the age of the victim, the possibility of affection cannot be ruled out. In the facts and circumstances of the case, detention of the applicant would serve no purpose. Hence, the following order :-

ORDER

- i) The application is allowed.
- ii) Applicant Akshay Balkisan Jadhav 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 attend the trial on each and every effective date.
 - (b) He shall not reside in village Ghatsavli and Tokewadi, Taluka Wadwani, District Beed for three months from the date of his release on bail.
 - (b) He shall not contact the witnesses and the victim in any mode or manner till conclusion of the trial.
- 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**