

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1037 OF 2024

Akash Ashok Pawar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shrikant Patil h/f Mr. Lukhe Arjun
Raosaheb

APP for Respondent/State : Ms. M.N. Ghanekar
Advocate for Respondent No.2 : Mr. R.K. Khandelwal (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 02, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for the victim.
2. The applicants seek bail in Crime No.76 of 2023 registered with Shiradhon Police Station, District Osmanabad for the offences punishable under Sections 376(2)(i), 376(2)(n), 376(2)(j), 506 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act.
3. The FIR reveals the allegations of forceful sexual assault with the victim by different persons at different places and time. However, the allegations against the applicant is concerned, it was a single line in the FIR that he also committed the sexual assault as stated above. However, the FIR is silent about the specific role

attributed to the applicant. No incident of forceful sex done with the victim was explained in the FIR. Apart from it, nothing incriminating is recovered from the applicant. It was a general statement of the victim that the applicant was one of the assailants. The FIR further reveals that the incidents happened separately at different places. The accused were from different places.

4. Considering the allegations levelled against the applicant in a single line in FIR and no incriminating evidence, the Court is of the view that this is a fit case to exercise the discretion in favour of the applicant though the learned APP and learned counsel appointed for the victim argued that the victim was minor and she was forcefully sexually assaulted. A coin has another side also. The Court has to weigh the entire facts and the material placed on record. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Akash Ashok Pawar, 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 the above crime, on the conditions that
 - (a) The applicant should not tamper with the prosecution witnesses.

(3)

(b) The applicant should not contact the victim in any mode or manner till the trial is concluded.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)