



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

913 BAIL APPLICATION NO. 1658 OF 2024

VISHAL KACHARU DARADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Wankhade Manikrao L.

APP for Respondent- State : Mr.A.A.A. Khan

Advocate for respondent no.2 : Mr.R.S. Sable

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CORAM : S. G. MEHARE, J.

DATE : 3rd October, 2024.

P.C.:

1. Mr.R.S. Sable, learned counsel has instructions to appear for the victim.
2. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent no.2 - victim.
3. The applicant seeks bail in Crime No.71 of 2024, registered with Khultabad Police Station, Tq. & Dist. Aurangabad, for the offences punishable under sections 363, 376, 376/2(J) of the Indian Penal Code and sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
4. The applicant is a brother-in-law of the victim i.e. husband of the sister of the victim. At the time of the incident, she was 14 years old. She used to go to the house of the applicant. One day he took her away and alleged incident took place. The applicant was arrested. He is behind bar since March, 2023. Charge-sheet has been filed. The

father of the victim, the first informant and victim appeared in the Court. The father made a statement that since the applicant is behind bar, his married daughter is also with him. He is a poor man. Now, he is not in a position to maintain her married daughter and her children. He can not bear the expenses of the large number of family members. If the applicant is released on bail, at least he would maintain his wife and children. The report was lodged in the hit of anger. No incident as such happened. Therefore, they are going to settle the dispute.

5. Perused the papers. Statement of father, for and on behalf of victim, has been made in presence of the victim girl. Investigation has been completed. Trial will take its time. It is a dispute between the family. The father of the victim has no apprehension from the applicant and the applicant assured the first informant/wife that after his release, he will take her and her children back to his home. In view of the above, following order is passed :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant – Vishal Kacharu Darade be released on bail in Crime No.71 of 2024, registered with Khultabad Police Station, Tq. & Dist. Aurangabad, for the offences punishable under sections 363, 376, 376/2(J) of the Indian Penal Code and sections 4, 8 and 12 of POCSO Act on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent

surety of like amount, on the following conditions;

- (a) He should not contact the victim till the trial is concluded.
- (b) He should fulfill his promise to maintain his wife and children and cohabit with her.

(S.G. MEHARE, J.)

sga