



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 BAIL APPLICATION NO. 1728 OF 2024

AMOL DADASAHEB GANDE @ DADASAHEB AMOL
JANARDHAN GANDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. D.S. Ingole h/f Mr. Ghanekar N.S.

APP for Respondent-State : Mr. S. P. Sonpawale.

Advocate for Res.No.2 to assist APP : Mr. H. B. Pawar.

...

CORAM : S. G. MEHARE, J.

DATE : 25.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State. Learned counsel for the informant/respondent No.2 is absent and even not filed Vakalatnama. Learned counsel for Respondent No.2 is lateron present.

2. The applicant seeks bail in Crime No.246 of 2024, registered with Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 363, 366-A, 376, 376(2)(N), 376(3), 109 of the IPC and Sections 4, 6, 8, 12 and 17 of the POCSO Act.

3. The facts reveal from the charge sheet that the victim was in love affair with the applicant. Her statement under Section 164 of the Cr.P.C. further reveals that she voluntarily eloped with the applicant and stayed with him for eighteen (18) days. She was 15 years 7 months at the time of the alleged incident. The material available indicate that they had a love affair. No force was applied nor the injuries were caused to her. It appears that they were peacefully residing together after eloping. Considering the conduct of the victim, it may be said that she was able to take an appropriate decision. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AMOL DADASAHEB GANDE @ DADASAHEB AMOL JANARDHAN GANDE** be released on bail 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) The applicant should not tamper with the prosecution witnesses.

- (b) He should attend the trial on each and every effective date.
- (c) He should not contact the victim till the trial is concluded.

(S. G. MEHARE, J.)

...

vmk/-