



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 163 OF 2025

Aakash @ Akshay s/o Ashruba Jadhav,
Age: 21 years, Occ: Student,
R/o. Bhandarwadi, Tq. and Dist. Beed. ... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Neknoor Police Station,
Tq. & Dist. Beed.
2. XYZ ... Respondents

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Mr. Dnyaneshwar B. Pokale, Advocate for the Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent No.1-State.
Mr. Gajanan B. Kingre, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 24.02.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 380 of 2024 registered at Neknoor Police Station, District Beed for offence punishable under Sections 64, 74, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Pointing to the date of FIR as 21.12.2024 and date of arrest as 22.12.2024, learned counsel submitted that report is by a full grown

married lady. That, alleged occurrence of sexual assault is of 16.12.2024, but report is lodged on 21.12.2024 and therefore, it is false, afterthought and delayed FIR. He further submitted that the act was nothing but consensual. He also pointed out that applicant is younger than the informant. He further submitted that nothing is shown to be recovered or discovered at the applicant's instance. For all above reasons, he seeks grant of bail.

3. Learned APP opposes on the ground that offence is serious and that investigation is still in progress.

4. Learned counsel for respondent no.2-victim has tendered affidavit stating that matter is amicably resolved and that she being married, does not want to prosecute and has no objection.

5. Perused the FIR dated 21.12.2024. Victim, who is 25 years of age, has reported that she has two children and her husband, who is a tempo driver, is most of the time out of station. She reported that on 16.12.2024 while she was alone in the field, applicant came and offered her to accompany her to another field and then, she alleges that, she was forcibly taken and after expressing love, he had forcible sexual intercourse with her against her wish. She claims that because

of threats, she did not report anyone. On 17.12.2024, she informed her husband on telephone.

6. As pointed out, applicant is barely 21 years of age and is younger than victim. Considering the above submissions, and as informant herself, by way of tendering affidavit, states that she has no objection for grant of bail, there is no reason to refuse relief. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant Aakash @ Akshay s/o Ashruba Jadhav be released on bail in connection with Crime No. 380 of 2024 registered at Neknoor Police Station, District Beed, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant to attend the concerned police station once every week i.e. on every Monday between 11.00 a.m. to 02.00 p.m. till filing of chargesheet, and thereafter, to attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]