



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

934 BAIL APPLICATION NO. 373 OF 2025

**ASHISH BAPPA KALE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...
Advocate for Applicant : Mr.N.B.Garje
APP for Respondent-State : Mr.N.D.Batule
Advocate for Respondent no.2 : Mr.R.M.Gaikwad
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.07.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.2.

2] The applicant is seeking bail as he is arrested on 21.07.2024 in connection with Crime No.287/2024, registered at Ashti Police Station for the offence punishable under sections 137 (2), 64 (1), 65 (1) and 87 of the Bharatiya Nyaya Sanhita, 2023 and sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

3] The FIR was registered by the father of the victim on 12.07.2024, alleging that, the informant had gone

to attend a case in Beed Court, while he was returning, he received phone call from his daughter-in-law informing that since 8.30 a.m. the victim i.e. his daughter left the house to bring clothes from tailor but she did not return. Thereafter, the informant and his family members taken search in the vicinity. Later, he came to know that the applicant was also not at his home. Therefore, the father of the victim has suspected that the applicant has kidnapped his daughter i.e. victim. As such, FIR is registered.

4] The statement of the victim under Section 183 of BNSS was recorded wherein she has stated that she had gone with the applicant. Thereafter, marriage took place between them and the applicant had maintained forceful physical relations with her.

5] The learned counsel for the applicant submits that the applicant is arrested on 21.07.2024. The charge sheet is filed in the matter. He further submits that the victim has stated in her statement under Section 183 of BNSS that she had gone with the applicant on her own and married with the applicant.

6] *Per contra*, the learned APP, so also, the learned counsel for the respondent no.2 submit that the statement of the victim under Section 183 of BNSS is consistent, therefore, the bail should not be granted in favour of the applicant.

7] The age of the victim at the relevant time was 13 years and 8 months and the age of the applicant was 21 years. The applicant is in custody from 21.07.2024. The trial Court would take substantial time to conclude the trial. Considering the same, the allegations made against the applicant would be decided at the stage of trial. There are no antecedents against the applicant, as such, further custody of the applicant is not necessary. Considering the same, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.287/2024, registered at Ashti Police Station for the offence punishable under sections 137 (2), 64 (1), 65 (1) and 87 of the Bharatiya Nyaya Sanhita, 2023 and sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

10] Mr.R.M.Gaikwad, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE