



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

**945 BAIL APPLICATION NO. 741 OF 2025**

**ARYAN @ PAWAN ANKUSH KAWADE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr.C.C.Deshpande h/f. Mr.S.S.Rathi

APP for Respondent-State : Mr.V.M.Jaware

Advocate for the respondent no.2 : Mr.Someshwar S. Birajdar

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 12.06.2025**

**P.C. :**

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 26.03.2025 in connection with Crime No.135/2025, registered with Chikalthana Police Station, Aurangabad, for the offences punishable under sections 137 (2), 64 (2) of the B.N.S. and under Section 4, 8 and 12 of the Protection of Child from Sexual Offences Act, 2012.

3] It is alleged in the FIR that on 23.03.2025 the informant had been to her work and at about 12.30 p.m. her son called her and informed her that the victim had gone out of the house at 8.00 a.m. to bring toasts and did

not return to house. Search was taken in the vicinity and at the houses of relatives but victim was not found. As such, the present FIR is registered.

4] The victim was traced and her statement of victim was recorded wherein she has stated that she had left the house at her own along with the present applicant, who is 19 years of age. It is further stated that she also had physical relations with him. The victim is just over 14 years age.

5] The mother of the victim and victim are present in the Court and the Advocate representing them, has identified them. The learned APP has verified their identity cards. The mother of the victim and victim, who are present in the Court, have no objection to grant regular bail in favour of the applicant.

6] The learned counsel for the applicant submits that the victim of understanding age had voluntary accompanied the applicant on account of love relation between two and seeks bail by relying upon the order dated 05.01.2024 passed in Criminal Application [BA] No.718 of 2023 at para no.6 of the said order, as noted below :

*6. Having heard learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. There is no dispute as to the fact that applicant is arrested on*

*30.08.2020 and there is no progress in the trial though charge-sheet is filed on 26.10.2020. As far as merit is concerned, admittedly victim is of 13 years of age and her consent is not relevant. However, the statements which are recorded by the Investigation Officer shows that victim has left her house at her own accord on the pretext of bringing the book from friend and not returned back at home. She also joined the company of the present applicant and also admitted her love relationship with the present applicant in her statement. From her statement it reveals that, she stayed along with the present applicant at various places and not made any grievance as she was taken by the present applicant by using some force. Thus it is apparent that, out of the love affair, she joined the company of the present applicant. The applicant is also of a tender age of 26 years and out of love affair they come together. It seems that, the alleged incident of sexual relationship is out of the attraction between the two young persons and it is not the case that applicant has subjected the victim for a sexual assault out of lust. Considering the fact that, though charge-sheet is filed long back in the year 2020 and there is no progress in the trial and trial will take its own time for final disposal. In view of that, further incarceration of the present applicant is not required and no purpose will be served by keeping him behind bar. In view of that, the application deserves to be allowed by imposing certain conditions...*

7] Considering the order dated 05.01.2024 passed in Criminal Application No.718/2023 and considering that the mother of the victim and the victim have no objection to grant regular bail in favour of the applicant and *prima facie* the relation between the applicant and victim being mutual and both being of young age, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.135/2025, registered with

Chikalhana Police Station, Aurangabad, for the offences punishable under sections 137 (2), 64 (2) of the B.N.S. and under Section 4, 8 and 12 of the Protection of Child from Sexual Offences Act, 2012, 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.

**[ARUN R. PEDNEKER]**  
**JUDGE**

DDC