



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

945 BAIL APPLICATION NO. 1199 OF 2025

PAWAN RAOSAHEB KENDRE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr.I.G.Durrani

APP for Respondent-State : Mr.N.B.Patil

Advocate for Respondent no.2 : Ms.Yugandhara A.Namde

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25.07.2025

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 17.01.2025 in connection with Crime No.14/2025, registered with Vimantal Police Station, Nanded, for the offence punishable under Sections 137 (2), 96, 64(1), 65 (1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Cases and Scheduled Tribes [Prevention of Atrocities] Act, 1989.

3] The informant i.e. father of the victim has lodged the FIR, alleging that on 12.01.2025 at about 4.00 a.m. she was not found at their house and that some unknown person has kidnapped his daughter. Lateron, the victim was found in the company of the applicant at Pune. Thereafter, the statement of the victim was recorded. As such, the FIR is registered against the present applicant. The applicant is arrested on 17.01.2025. The investigation is complete in the mater ad the charge sheet is filed. It is stated that the accused under pretext of marriage had kidnapped the victim and taken her to Perne Phata, Pune where the victim and accused resided for four days i.e. from 13.01.2025 to 16.01.2025. It is further stated that the applicant – accused had forcibly sexual intercourse with the victim without her consent. Thereafter, on 16.01.2025, the police found them and brought them to Vimantal Police Station. As such, the FIR is registered against the applicant.

4] The learned counsel for the applicant submits that the victim stated in her statement before Doctor that the applicant and the informant were in relationship since 2 years and they had sexual intercourse. He further submits that the applicant and victim were travelled various places, as such, the relations between the applicant and the victim are consensual in nature and the victim was at the age of

understanding. Considering the said fact, bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP and the learned counsel for the respondent no.2 submit that the victim has given statement under Section 164 before the Magistrate and she has stated that the applicant had forcibly taken her at Pune and there they took a room on rent and even though victim was not ready for physical relations, the applicant had forced her and had forcibly sexual relations with her. As such, bail should not be granted in favour of the applicant.

6] Considering that the applicant is in jail from 17.01.2025, so also, the investigation in the matter is complete and there are no antecedents against the present applicant, 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.14/2025, registered with Vimantal Police Station, Nanded, for the offence punishable under Sections 137 (2), 96, 64(1), 65 (1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Cases and Scheduled

Tribes [Prevention of Atrocities] Act, 1989, 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.

7] 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.

8] The application stands disposed of.

9] Ms.Yugandhara A.Namde, 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

DDC