

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2489 OF 2014

Pappu @ Ramkishan Suryakant Ladde. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. P.G. Sarda, advocate for Applicant.

Ms. R.V. Newton, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 16, 2015

P.C.:

1 Heard the learned Counsel for the applicant and learned APP
for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 8/5/2014 in
Crime No. 64 of 2014 registered at Paud Police Station, Pune for
offence punishable under Section 376, 363, 366 of the Indian Penal
Code and under Section 3, 4 of the Protection of Children from Sexual

Offences Act, 2012. Investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 31st March, 2014 Vaijnath Jadhav lodged a missing report at the police station in respect of his minor daughter. While searching for the daughter, he was informed that his daughter is in the company of the present applicant. The applicant was found alongwith missing girl at Shivankhed, Taluka Ahmadpur. Thereafter the complainant had been to the house of the applicant at village Shivankhed, Taluka Ahmadpur and had enquired about the whereabouts of the applicant. The parents had not given any information. One boy had informed the complainant that his daughter was in the company of the present applicant. The complainant has specifically alleged that the applicant had induced his 14 years old daughter and had abducted her. The girl was found in the company of the applicant.

4 The victim was sent for medical examination on 9/5/2014. She had disclosed to the doctor as follows:

“History given by victim in Marathi. As per history, victim and alleged accused Mr. Pappu Suryakant Ladde (25 years old male) know each other since 1 year as he was supervisor where victim was working. Victim herself proposed alleged accused and they eloped 1 month back as victim's parents were against their marriage. They got married at temple in Pune on same day. No legal documentation. They started staying at a room in Pune. They had multiple episode of vaginal sexual intercourse. It used to happen with victim's consent. No H/O physical assault.”

It prima facie appears that the applicant was in love with the victim and that she had stayed with the applicant voluntarily. The applicant was arrested and charge-sheeted.

5 The learned Counsel for the applicant submits that the complainant had got the victim married to another person during the pendency of this proceedings and the learned Counsel has been reliably informed that the victim has committed suicide. The learned APP submits that the victim was a minor at the time of incident, since her date of birth is 5/9/1999. However, it would be an admitted position that the victim would not be available for recording of

substantive evidence at the time of trial and in the absence of any substantive evidence, the applicant cannot be convicted. Hence, the applicant deserves grant of bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered for deciding discharge application or application for quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)