

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1367 OF 2018

Santosh Ratan Jadhav

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. A. A. Jadhavar i/b. Mr. S. T. Zalte, Advocate, for the Applicant
Mr. S. R. Agarkar, APP, for the Respondent – State
Mr. P. B. Patil, P. C., Chakan Police Station, Pune

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 02.07.2018

P.C.

. Heard learned counsel for the Applicant and the learned
APP for the Respondent – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure. The Applicant herein is arrested on 09.12.2017 in C. R. No. 1203 of 2017, registered at Chakan Police Station, Pune initially for the offence punishable under Section 363 of the Indian Penal Code. The investigation is completed and charge-sheet is filed for the offences punishable under Sections 366A, 376, 363 of the Indian Penal Code and Sections 4, 8, 10 & 12 of the Protection of Children

from Sexual Offences Act (for short 'POCSO').

3. It is the case of the prosecution that on 27.11.2017, Eknath Shankar Mule had lodged a report alleging therein that his daughter had left the house under the pretext of attending friend's wedding. She did not return and that she is probably kidnapped by some unknown person. On the basis of the said report, the offence was registered. In the course of investigation, the missing girl was found in the custody of the present Applicant at Aurangabad where they were residing in the rented premises next to the house of the maternal uncle of present Applicant.

4. The statement of the victim was recorded on 10.12.2017. She had disclosed that she was in love with the present Applicant. One day he had given a love letter to her which was found by the relatives and parents of the victim. Thereafter, she was warned not to meet the present Applicant. They were in contact with each other on their respective cell phones. She was studying in 11th Std. in Commerce faculty. According to her, on 26.11.2017, the Applicant had called her at Chakan. On 27.11.2017, they both had left Chakan. Initially, they had gone to Shrirampur and from there to Aurangabad to visit the maternal uncle of the present Applicant. They had informed the maternal uncle

that they were married and hence, they had rented a room in close proximity. They were residing as husband and wife. On 09.12.2017, they were traced by the police and were brought to Chakan Police Station.

5. The victim was sent for medical examination and she had disclosed to the Doctor that she was in love with the Applicant for three years. They had consensual sex occasionally. That she was residing with the Applicant.

6. Learned counsel for the Applicant submits that the date of birth of the victim is 01.05.2000. It is submitted that she was almost 17 and $\frac{1}{2}$ years old when she had eloped from her house. She had attained the age of understanding. There is no allegation that the Applicant had kidnapped her. She had voluntarily left the house of her parents under a false pretext of attending the friend's wedding. In view of the above observations, the Applicant deserves to be enlarged on bail.

7. Hence, I proceed to pass the following order.

ORDER

- (i) The Application is allowed;
- (ii) The Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount;
- (iii) Within four weeks from the date of his release, the Applicant shall furnish his address, cell phone number etc. to the investigating officer at Chakan Police Station;
- (iv) The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)