

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1627 OF 2018

Laxmiputra Sidanna Jogade	..	Applicant
Versus		
The State of Maharashtra	..	Respondent

Mr. Vikrant V. Patade for applicant
Mr. S.R.Agarkar, APP for State.

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] Heard. This is an application under section 439 of Cr.P.C. The applicant herein is arrested on 12th August 2017 in Crime No.352 of 2017 registered at Akkalkot North police station for offences punishable under section 363, 366, 376(2) IPC and Sections 4, 5(L), 6 of Protection of Child from Sexual Offences Act, 2012.

2] It is the case of the prosecution that on 9th August 2017, one Rajashree lodged a report at police station alleging therein that Ms. "X" happened to be her minor daughter, who had discontinued

her education after 9th standard. That on 4th August 2017, her daughter had left the house on the pretext of answering nature's call. She did not return. Thereafter, she had learnt from the villagers that her daughter was seen in the company of the present applicant. Upon enquiry it was revealed that since 4th August 2017, the applicant was also not at home. It is on the basis of this report that Crime No.352 of 2017 is registered against the present applicant. The daughter of the complainant was found in the company of the applicant on 12th August 2017. They were brought to the police station.

3] On 29th August 2017, the statement of victim was recorded under section 164 of Cr.P.C.. She has disclosed that she was acquainted with the present applicant. She used to talk to him regularly. Her mother had settled her marriage with her maternal uncle against victim's own wish and therefore, she had eloped with the applicant voluntarily. They had been to Pune where both resided with the sister of the applicant. They also had consensual sex. Thereafter, the relatives had informed the brother of the applicant that they were staying together and hence, her relatives

had taken both, the applicant and victim to Akkalkot north police station. Mother of victim had again forced her to get married to maternal uncle. The victim was assaulted by her maternal uncle also. The victim informed applicant about the same and they again decided to elope and on 4th August 2017, they once again eloped. They had been to Chennai. They had consensual sex at Chennai Railway Station. On 12th August 2017, the applicant received a phone call from the mother of victim when she threatened him that she would commit suicide if the applicant does not bring back the victim. Thus the applicant came back, only to be arrested and taken into custody.

4] It is a matter of record that victim has attained age of understanding. She is more than 16 years of age. She was being forced into a marriage with her maternal uncle. It would have been a child marriage. In any case, she was in love with the present applicant. There is no material on record to indicate that the applicant had kidnapped the victim. In fact, she had left her house voluntarily and there was consensual sex.

5] In view of this, applicant deserves to be enlarged on bail.

Hence, the following order:-

- (a) The application is allowed;
- (b) The applicant is released on bail in the sum of Rs.20,000/- with one or more solvent sureties in the like amount;
- (c) The applicant shall, after release on bail, give an undertaking to Investigating officer that he would attend each and every date.
- (d) Applicant shall not tamper with evidence.

Yogeshwar
Bhalchandra
Gokhale

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Yogeshwar
Bhalchandra Gokhale
Date: 2018.08.02
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(MRS. SADHANA JADHAV, J.)