

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CRIMINAL WRIT PETITION NO. 1417 OF 2021

Anil s/o Devidas Pandure
Age 38 years, Occ; Fishery,
R/o. Varkhed, Tq. Newasa,
Dist. Ahmednagar.

... Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Superintendent of Police,
S.P. Office, Ahmednagar.
3. The Investigation Officer,
Newasa Police Station,
Newasa, Dist. Ahmednagar.

... Respondents

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Advocate for Petitioners : Mr. Deshmukh Himmatsinh D.
PP for Respondent Nos. 1 to 3 : Mr. D. R. Kale

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 12th JANUARY, 2022**

ORAL JUDGMENT (Per V. K. Jadhav, J.)

1. Rule. Rule made returnable forthwith. By consent of the parties,
heard finally at admission stage.

2. Learned Public Prosecutor Mr. D. R. Kale submits across the bar an affidavit-in-reply of respondent no.3. Learned Public Prosecutor submits that the Investigating Officer has expressed an apology for not producing the missing girl immediately when she was traced out. The said apology is accepted with a warning that the Investigating Officer should not commit similar mistake in future.

3. The missing girl Deepali, aged 14 years and 8 months is produced before us at 2.30 p.m. in the open court today. Her date of birth is 17.04.2007 as stated by her in her statement recorded by the Investigating Officer. She has stated before the police that on 18.10.2021 at about 6.00 p.m., accused Deva had called her on the mobile phone of her grandfather and further asked her to come near Maroti temple at 8.00. p.m. and threatened her that if she would not come, he will commit suicide. Thus, the girl Deepali went to the Maroti temple. The said accused Deva met her there and expressed his love. However, the victim refused to accept the said love expression. It has been further stated by missing Deepali in her police statement that thereafter, the said accused took her forcibly on his motorcycle to Ahmednagar and committed rape on her against her will.

4. We have interacted with missing girl Deepali in the open court. She has told us that her statement came to be recorded by the police as

per her say. She has stated before us that she was not willing to join the company of the accused on the day of incident. She has further stated that the statement recorded by the police is correct and recorded as per her say. We are not going into the details of that statement. However, the missing girl Deepali is studying in 9th standard in English School, however the medium is Marathi, and her date of birth is 17.04.2007. Thus, according to the missing girl Deepali, her age is 15 years as on today. She has expressed herself that she wants to go to her parents' house. The petitioner-father, along with his wife, is present before us. Both of them are willing to take Deepali with them. They have assured us in the open court that they will not trouble her in any manner and they will give priority to the completion of her education.

5. In view of the same, the missing girl Deepali Anil Pandure. Shall be given in the custody of the petitioner forthwith. The Investigating Officer is free to proceed with the investigation of the crime already registered against the accused. The Rule is made absolute in the above terms and the habaes corpus writ petition is accordingly disposed off.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)