

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

Bail Application No. 1648 of 2025

Rahul Baburav Landage

(Presently at Yerawada Central Prison)

Age : 24 years, Occ.: ...

R/at.: Ganesh Colony, Mahadev Nagar,

Hingne Khurd, Pune.

... Applicant

versus

1. The State of Maharashtra

Through Bibwewadi Police Station, Pune.

2. XYZ

Age : 33 years,

Through Bibwewadi Police Station.

... Respondents

Mr Nagesh Khedkar, for the Applicant.

Mr Arfan Sait, APP, for Respondent / State.

Ms Pravada Raut, for Respondent No.2.

PSI P B Kamthe, Bibwewadi Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 13 October 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.240 of 2024, registered at Bibwewadi Police Station, Pune, for offences punishable under Sections 137(2), 64, 65 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 4 of Protection of Children from Sexual Offences Act,

2012 (POCSO).

2. As per the prosecution case, the applicant is alleged to have abducted the minor victim girl from the lawful guardianship of her parents under the pretext of solemnising marriage with her, and thereafter engaged in physical relations with the said victim.

3. The learned Counsel appearing on behalf of the applicant submits that the victim, of her own volition, represented her age to the applicant as being 19 years and a student of Class-XII. This assertion was reiterated before the applicant's parents. The victim's conduct, including her digital communications, reflects her active and voluntary participation in the relationship with one of the witness of this case. The statement of this prosecution witness indicates that the victim contacted him. It is further submitted that the victim has not, at any stage, directly implicated the applicant in the alleged offence. She declined to undergo medical examination, which is a procedural step integral to the substantiation of allegations. Her refusal casts considerable doubt on the prosecution's version. The learned Counsel submits that the investigation in the present matter stands concluded and the chargesheet has already been filed. No further custodial interrogation or

recovery is warranted. The applicant is a 24-year-old individual with no prior criminal antecedents.

4. On the other hand, the learned Additional Public Prosecutor and the learned Counsel representing respondent No.2 have jointly opposed the application, contending that the applicant committed forcible penetrative sexual assault upon a minor aged 14 years. The nature of the offence is grave and serious.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears that the age of the victim is a matter of dispute and has not been conclusively determined in absence of medical examination and the documentary evidence. The victim's own representations and conduct, the applicant had no *prima facie* reason to believe that she was a minor. The victim's statement does not disclose any element of coercion or force. The applicant's conduct, as reflected in the record, does not evince criminal intent. *Prima facie*, the circumstances suggest a case of misrepresentation rather than culpable *mens rea*. The victim's refusal to undergo medical examination further weakens the prosecution's case.

6. In view of the foregoing, this Court is of the opinion that

the applicant has made out a case for the grant of bail. Hence, the following order.

ORDER

(i) The applicant shall be released on bail in CR No.240 of 2024, registered at Bibwewadi Police Station, Pune, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not contact the victim and her family members in any manner and shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

7. The bail application stands disposed of accordingly.

[R.N. Laddha, J.]