
(2021) 11 BOM CK 0014

In the Bombay High Court

Case No : Criminal Writ Petition No.1079 Of 2021

Ramdas Prabhat Badak

APPELLANT

Vs

State Of Maharashtra And Another

RESPONDENT

Date of Decision : 01-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366A, 376, 376 (j)(k)(i)
Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6, 8

Citation : (2021) 11 BOM CK 0014

Hon'ble Judges : R. N. Laddha, J

Bench : Single Bench

Advocate : S.S. Randive, S.J. Salgare, Vaishali Pawar

Judgement

R. N. Laddha, J

1. This petition has been filed seeking a direction to the respondents to produce the body and person of the minor girl, by name Ku. Pooja Ramadas Badak, aged about 17 years, before this Court and further handover the custody of his daughter Pooja to him.

2. In pursuance of the Orders passed by this Court, today the Investigating Officer namely Ms. Vaishali Pawar, API, Police Station Sillod, District-Aurangabad has produced the alleged minor girl Pooja before this Court.

3. The learned Additional Public Prosecutor filed a status report wherein it is stated that the alleged minor girl Pooja is in love with one Bapusaheb Subhash Kale and that she has eloped with him and both of them were found at Amravati.

4. The crime has been registered against the said Bapusaheb Subhash Kale vide Crime bearing No.31 of 2021 at Sillod Police Station for the offences punishable under Sections 363, 366A, 376, 376 (j)(k)(i) of the Indian Penal Code, 1860 read with Section 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act. The said Bapusaheb Kale has been arrested and investigation is in progress.

5. In Interaction with the minor girl Pooja in presence of Mr S.S. Randive, learned Advocate for the Petitioner and Mr S.J. Salgare, APP for the Respondent / State.

6. The minor girl Pooja has showed her readiness and willingness to go with her parents and that she wants to stay with them. The father and mother of the minor girl Pooja are present in the Court. They assured the Court that they will take all possible care of their daughter Pooja and will not ill-treat her. Their assurance is recorded. In view of that, it would be proper to handover the custody of the minor girl Pooja to the petitioner. Hence, the following Order :

ORDER

(i) The custody of the minor girl namely Ku. Pooja Ramadas Badak, aged about 17 years, be given to the petitioner, however, only after her medical examination.

(ii) The mother of Pooja shall be at liberty to accompany her when her daughter Pooja is taken for medical examination.

(iii) The petitioner and the minor girl Pooja shall remain present before this Court on 15-11-2021.

(iv) The Investigating Officer shall scrupulously follow the directions as given above.

(v) Authenticated copy be given.