

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL WRIT PETITION NO. 289 OF 2017

Ashitol Islam Mondal

....Petitioner

Vs.

The State of Maharashtra and another

... Respondents

Ms. Anjali Patil Advocate for Petitioner  
Ms. Anamika Malhotra APP for the State.

**CORAM: SMT.SADHANA S.JADHAV, J.**

**DATED : 24<sup>th</sup> APRIL, 2017.**

**P.C.**

- 1) Heard.
- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) On 10/06/2015, crime no. 215 of 2016 was registered at Nagpada Police Station against Umesh Kumar Yadav and Lalji Bhuiya for offence punishable under sections 370 (3) of Indian Penal Code r/w sections 3, 4, 5, 7 (1) (b) of Immoral Traffic (Prevention) Act, 1956. Petitioner herein was rescued and produced before Metropolitan Magistrate Court. By the orders of

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the learned Magistrate, petitioner was transferred to Child Welfare Committee. Petitioner had filed an application challenging the said order. Petitioner herein is a married woman and her husband Ashitol Mondal is seeking her custody.

4) The learned APP submits that the statement of the victim has been recorded and she has expressed her desire to accompany her husband. Since the petitioner has attained majority, it would be appropriate to enlarge the petitioner from Navjeevan Mahila Vasatigruh. Husband of the petitioner shall give an undertaking before the Magistrate that he would take proper care of the petitioner and see that she is not pushed into the same profession. The very fact that the petitioner had attained majority, it would not be appropriate to continue her detention in Navjeevan Mahila Vasatigruh. Hence, the petition is allowed.

5) Petitioner be released from Navjeevan Mahila Vasatigruh. The order dated 29/12/2016 passed by Sessions Court is hereby quashed and set aside.

- 6) Rule is made absolute in the above terms.
- 7) Parties to act on authenticated copy of this order.

**(SMT. SADHANA S. JADHAV, J.)**