

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

**WRIT PETITION NO.3552 OF 2017**

Sunil Bhau Mohite

... Petitioner

**vs.**

The State of Maharashtra & Ors.

... Respondents

Mr. Rajiv Patil, Senior Advocate a/w Mr. Ganesh Bhujbal for the Petitioner.

Mr. H.J. Dedhia, APP for the Respondent No.1/State.

Mr. Kalpesh Patil for the Intervenor Ms Harshala Pramod Sukate and for the Respondent No.4.

Ms. Harshala Pramod Sukate present in person in Court.

Coram : **A.A. Sayed &  
Sarang V. Kotwal, JJ.**

Date : 25 September 2017

**P.C. :**

1 This Petition is filed by the Petitioner under Article 226 of the Constitution seeking writ of Habeas Corpus to produce his daughter Harshala Hitesh Mohite before this Court.

2 According to the Petitioner, his daughter Harshala's marriage was solemnized on 6 February 2017 with Hitesh Lahu Mohite, resident of Ashagad Gaothanpada, Taluka Dahanu, District Palghar and she was residing with her husband. As Harshala went missing, the Petitioner's son-in-law Hitesh Mohite has registered a missing Complaint on 30 July 2017. Later on it came to their knowledge that on

the date of incident, Harshala had gone with the Respondent No.4 - Pramod Sakharam Sukate.

3 Learned Counsel for the Respondent No.4 informs the Court that Harshala is present in Court with great difficulty and she apprehends threat to her life. We have interviewed Harshala. She has stated that she is already married with the Respondent No.4 - Pramod Sakharam Sukate on 4 January 2017 and that it was only because of undue pressure from her family members she performed second marriage with Hitesh Mohite. She states that she had also informed Hitesh Mohite about her first marriage with the Respondent No.4 - Pramod Sakharam Sukate. The copy of the marriage certificate of Harshala with Respondent No.4 Pramod Sakharam Sukate dated 4 January 2017 is taken on record and marked 'X' for identification.

4. Considering the fact that the Harshala, who is an adult, has chosen to stay with the said Respondent No.4 - Pramod Sakharam Sukate, to whom she is stated to be married earlier, it cannot be said that she is in unlawful custody of Respondent No.4 – Pramod Sakharam Sukate.

5 In the circumstances, no case is made out to grant any relief to the Petitioner. The Petition shall accordingly stand dismissed.

6. Learned Counsel appearing for Respondent No.4 - Pramod Sakharam Sukate states that he will file his Vakalatnama within two days from today. He further states that Respondent No.4 Pramod Sakharam Sukate and Harshala fear that Harshala may be not allowed to travel and go back to the Respondent No.4 – Pramod Sakharam Sukate at Ahmednagar as the Petitioner and his family members may obstruct and harm her. She states that there are number of persons presently waiting outside the Court Hall at the instance of the Petitioner.

7. In these circumstances, we direct the Senior Inspector of Police, Azad Maidan Police Station, Mumbai to depute two male constables and one lady constable to accompany Harshala till her destination at Ahmednagar.

8 All the parties concerned to act on an authenticated copy of this order.

**(Sarang V. Kotwal, J.)**

**(A.A. Sayed, J.)**