

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1448 OF 2020

Savita w/o Rameshwar Rathod ... Petitioner
Age 25 yrs, Occu: Labourer
R/o Paradh Pimpalgaon, Tq. Pusad
District Yawatmal

VERSUS

1. The State of Maharashtra ... Respondents
Through the Secretary,
Home Department, Mantralaya, Mumbai
2. Inspector General of Police,
Nanded, District Nanded
3. The Superintendent of Police,
Nanded, District Nanded
4. The Police Inspector,
Mukhed Police Station,
District Nanded
5. The Police Inspector,
Mukramabad Police Station,
Taluka Mukhed, District Nanded.

Mr. Ravindra B. Ade, Advocate for the petitioner
Mr. S. G. Sangle, A.P.P. for the respondents

CORAM : SUNIL P. DESHMUKH &
SHRIKANT D. KULKARNI, JJ.

DATE : 13th November, 2020

ORDER: (Per Shrikant D. Kulkarni, J.)

1. The petitioner is seeking following relief by invoking Article 226 of the Constitution of India.

(B) By issuing a writ of habeas corpus, respondents No. 1 to 4 may kindly be directed to produce the corpus of detinue Rupesh Uttam Rathod before this Hon'ble High Court and to handover

his custody to the petitioner."

2. According to the petitioner, Rupesh Uttam Rathod happens to her brother-in-law. Family of the petitioner is engaged in sugarcane cutting work. It is stated that Ganesh Maroti Rathod and Maroti Rathod are contractors of supplying labours to Sugar factory for sugarcane cutting. There was some dispute on account of return of money. Ganesh Rathod and Maroti Rathod were insisting the family of the petitioner to return Rs. 5 lakh. According to the petitioner, Ganesh Rathod and Maroti Rathod had detained her brother-in-law on account return of money. The petitioner rushed to Police Station, Mukhed, District Nanded and lodged complaint on 05.11.2020 for detaining her brother-in-law by Ganesh Rathod and Maroti Rathod. However, the Police did not take any action and constrained to knock the doors of this Court.

3. This Court, vide order dated 10th November, 2020, directed respondent No.4 Police Inspector, Mukhed Police station and Respondent No.5 Police Inspector, Mukramabad Police Station Tq. Mukhed Dist. Nanded to produce Rupesh Uttam Rathod, before this Court.

4. Accordingly, Rupesh Uttam Rathod is produced today before this Court. The Assistant Police Inspector of Mukramabad Police Station Tq. Mukhed has submitted his report alongwith statement of Rupesh Uttam Rathod, aged 22 years, r/o Paradh Pimpalgaon, Tq.Pusad, Dist. Yawatmal. He being major, he is set at liberty and

allowed to go as per his wish. On perusing the report submitted by Mr. Kamlakr Gaddime, Assistant Police Inspector, Mukramabad Police Station, Tq. Mukhed, the report is silent about registration of crime against the person who had wrongfully confined and abducted Rupesh Uttam Rathod. On making enquiry with him, it is informed that he was detained by Ganesh Rathod and Maroti Rathod.

5. Even though statement of Rupesh Uttam Rathod reveals that he has no complaint against anybody, the action needs to be taken against the concerned persons who had illegally picked up Rupesh Uttam Rathod and detained him against his wish.

6. Purpose of filing this habeas corpus petition is satisfied in view of production of Rupesh Uttam Rathod.

7. In the light of above, the Writ Petition stands disposed of.

8. The Police officials of the concerned Police station under whose jurisdiction the incident had taken place shall take appropriate action against the concerned persons who had wrongfully confined and abducted a person namely Rupesh Uttam Rathod, r/o Paradh Pimpalgaon, Tq.Pusad, Dist. Yawatmal.

9. Rupesh Uttam Rathod is free to move as per his wish.

(SHRIKANT D. KULKARNI, J.)

(SUNIL P. DESHMUKH J.)

JPC