

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

CRIMINAL WRIT PETITION NO.207 OF 2020

Bhuladevi Himatiya Kanjar,
Age : 65 years, Occu: Household,
R/o Nahargadh, Post Thalkana,
Tal. Mandalgad,
District Bhilwada (Rajasthan)

... **PETITIONER**
(Orig. Applicant No.1)

VERSUS

1. The State of Maharashtra
through Police Inspector,
Police Station, Shevgaon,
District Ahmednagar

2. Kali Himatiya Kanjar,
Age : 20 years, Occ. Household,
R/o Nahargadh, Post Thalkana,
Tal. Mandalgad,
Dist. Bhilwada (Rajasthan).

... **RESPONDENT**

...

Advocate for Petitioner : Mr. M.S. Karad h/f. Mr. S.S. Thombre
APP for Respondent/State: Mrs. R.P. Gaur

...

CORAM : MANGESH S. PATIL, J.

DATE : 25.01.2021

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. With the consent of both the sides, the matter is heard finally at the stage of admission.

3. A minor girl of the petitioner has been housed in a rehabilitation center when the girl was found in the brothel when a raid was

effected. The petitioner claiming herself to be the mother of the child is seeking her custody by resorting to the provision of Section 17 of the Immoral Traffic (Prevention) Act, 1956 (for short 'the PITA' Act).

4. Admittedly, the charge sheet has been filed. Conspicuously the mother i.e. the petitioner is not an accused in that case. The medical report reveals that the victim is a girl aged around 17 years lodged in the rehabilitation center. Considering all the aforementioned aspects, when the petitioner is not being implicated for putting the child in the brothel, when even according to the Investigating Officer the petitioner happens to be mother of the child, this is a fit case where interim custody of the victim can be given to the petitioner under Section 17 of the PITA Act.

5. The Writ Petition is allowed in terms of prayer clause 'B'. The Rule is accordingly made absolute.

(MANGESH S. PATIL, J.)

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