

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.249 OF 2021

ABDUL GANI ABDUL MAJID KURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.R.V.Gore, Advocate for the petitioner.
Mr.S.G.Sangle, APP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
B.U.DEBADWAR, JJ.)

DATE : MARCH 3, 2021

PER COURT :

1. Pursuant to our order dated 01/03/2021, the girl namely Rabia was lodged with the Savitribai Phule Girls Hostel, which is also utilized as a Shelter Home. A special cell created by the Office of the Police Commissioner, Aurangabad for the aid of aggrieved women and named as the “Bharosa Cell”, caused it's indulgence in this matter in view of our observations.

2. The lady Police Inspector, Incharge of the said cell met the girl on 02/03/2021 in the said hostel and had a personal talk with her. Noticing that the girl was already married, albeit forcibly, and similarly respondent No.5 was also forcibly married, that the “Bharosa Cell” arranged a meeting

in their Office on 03/03/2021. The parents of the girl, her in laws and the girl herself, participated in the said counseling session. The said Police Inspector has tendered a report dated 03/03/23021 before us, which is taken on record and marked as “X-2” for identification. We find from the report that the girl has specifically informed her parents and her in laws in the presence of the officials of the Bharosa Cell that she does not desire to reside, either with her parents or with her husband.

3. In the above backdrop, since the girl is present in the Court hall, we interacted with her and she has specifically told us in Hindi language that she does not desire to reside with her parents or her husband and she should not be forced into custody of any of these parties. She insists that she would be travelling with respondent No.5 to Mumbai by bus/train and as there is a threat to her life and the life of respondent No.5, she should be granted police protection.

4. The learned Advocate for the petitioner submits on instructions that the petitioner reiterates his earlier assurance given to this Court which was recorded in paragraph No.15 of our order dated 01/03/2021 and he assures that neither the petitioner, nor the in laws of their daughter or any of their relatives would harm their daughter or respondent No.5.

5. The learned Prosecutor submits that since the girl as well as

respondent No.5 are adults and the girl is produced before the Court, the purpose of this habeus corpus petition has been worked out. The police would, at best, extend police protection to the girl and if respondent No.5 accompanies her to Mumbai, he would also be protected till they board a bus/train for leaving to Mumbai.

6. In view of the above, this petition is disposed off.

7. We make it clear that since the girl is an adult, we have protected her in view of the apprehension voiced by her and if she travels to Mumbai alongwith respondent No.5, it would not mean that this Court has granted a stamp of it's approval to any relationship between the girl and respondent No.5, in view of their social status (both are married) as on date.

(B.U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)