

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 827 OF 2021

Kavita W/o Dnyaneshwar Jadhav
Age : 35 years, Occu: Household,
R/o Sangvi, Taluka Chalisgaon,
District Jalgaon

...Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Home Department, Mantralaya, Mumbai.
2. The Superintendent of Police,
Jalgaon, District Jalgaon.
3. The Police Inspector,
Chalisgaon Police Station (Rural),
Chalisgaon, District Jalgaon.

...Respondents

Mr R.B. Ade, Advocate for Petitioner
Mr Mahendra M. Nerlikar, A.P.P. for Respondents-State

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 6th AUGUST, 2021

ORAL JUDGMENT : (PER V.K. JADHAV, J.)

1. Not on Board. Taken on Board.
2. By consent of the parties, heard finally at admission stage.
Rule. Rule made returnable forthwith.
3. The Missing Dnyaneshwar Damu Jadhav is produced before us today at about 3.30 p.m. He was found at Hadalsang Tanda No.6, Tal. Indi, Dist. Vijapur, State of Karnataka. The P.S.I. of Chalisgaon Rural Police Station, Chalisgaon has recorded the statement of Dnyaneshwar in

detail. As per his statement, on 16.03.2021 at about 11.00 a.m. his second wife Jayshree along with their son went to Bhardgi Tanda, Tal. and Dist. Vijapur, State of Karnataka without informing anyone in the house. Thus, the missing Dnyaneshwar has lodged the missing report bearing No. 11/2021 on 17.03.2021 at Chalisgaon Rural Police Station. However, on 25.05.2021, he was informed by his second wife Jayshree from Karnataka on phone that their son Shrihan was not feeling well and thus, asked him to come at the said Tanda, Post Bharadgi, Taluka and District Vijapur, State of Karnataka. Thus, on 29.05.2021 at about 5.00 p.m., missing Dnyaneshwar has left village Sangvi, Tal. Chalisgaon on motorcycle and reached to said Bhargadi on 30.05.2021. There are certain allegations against the maternal father-in-law Dhondur Tukaram Rathod and his brother Subhash Tukaram Rathod. It has been further stated by him in the Police statement that there was some money transactions between them and since missing Dnyaneshwar has not repaid their amount, he was kept in Bhardgi Tanda No. 4, Post Bharadgi, Tal. & Dist. Vijapur, State of Karnataka. However, according to him, he was not detained and he was given the food with the good treatment. He further stated in the Police statement that he has no complaint against anyone.

4. We have also interacted with missing Dnyaneshwar in the open court. He stated that he has no complaint against anyone.

5. The learned counsel for the petitioner informs that the petitioner Kavita is present outside of the court and it is also informed to us that the missing Dnyaneshwar would be residing with his two wives at village

Sangvi, Tal. Chalisgaon. Missing Dnyaneshwar has also informed to us that he would happily reside with his two wives at village Sangvi, Tal. Chalisgaon and he has no complaint against anyone.

6. In view of the same, since missing Dnyaneshwar is a major person, we direct the Chalisgaon Rural Police Station, Chalisgaon to set free the missing Dnyaneshwar Damu Jadhav.

7. We accordingly discharge the Rule of Habeas Corpus and dispose of this writ petition.

[SHRIKANT D. KULKARNI, J.]

[V.K. JADHAV, J.]

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