

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.49 of 2021

Vinith Baid

.. Petitioner

Vs.

- 1.Union of India,
Rep. by the Secretary to Ministry of External Affairs,
South Block, New Delhi - 110011.
 - 2.The Secretary to Ministry of Home Affairs,
North Block, New Delhi - 110001.
 - 3.National Investigation Agency,
Rep. by its Director,
CGO Complex, Lodhi Road, New Delhi - 110003.
 - 4.The Commissioner of Police, Chennai
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet, Chennai - 600007.
 - 5.The Inspector of Police,
Central Crime Branch, Chennai
Vepery, Chennai - 600007.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to deport and produce the body of my daughter Ms.Harshita Baid, aged 24 years, presently at Dhaka, Bangladesh and set her at liberty.

For Petitioner : Mr.S.Chakravarthy
for C.R.Associates
For Respondents: Mrs.S.P.Arthi [R1 & R2]
Central Government Standing Counsel
Mr.R.Karthikeyan
Special Public Prosecutor [R3]
Mr.R.Prathap Kumar [R4 & R5]
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents to deport and produce the body of the daughter of the petitioner named Ms.Harshita Baid, aged 24

years, presently at Dhaka, Bangladesh and set her at liberty.

2. On 08.02.2021, this Court passed the following order :-

"Today Mr.R.Karthikeyan, learned Special Public Prosecutor appearing for National Investigation Agency (NIA) has filed a status report in a sealed cover, which has been perused by this Court. A copy of the same has been furnished to Mr.R.Sankaranarayanan, learned Additional Solicitor General appearing for Union of India.

2. After perusing the status report, this Court has returned the same to Mr.R.Karthikeyan, learned Special Public Prosecutor.

3. Mr.R.Karthikeyan, learned Special Public Prosecutor submitted that NIA will make arrangements for this Court to interview Harshita Baid, D/o.Vinith Baid, aged about 24 years, presently at Dhaka Bangladesh, on any day convenient to this Court.

4. In view of the above submission, this matter is adjourned to 22.02.2021 at 14.30 hours (IST) for interviewing Harshita Baid. The Registrar I.T. shall coordinate with Mr.R.Karthikeyan (Mobile No.9444017778), learned Special Public Prosecutor and make necessary arrangements."

3. Today, Mr.T.Sreejith, I.P.S., SP, NIA, Chennai, Mr.V.Senthilkumar, Inspector, NIA, Chennai and Mr.N.Thirumurgan, IT Wing, NIA, Chennai appeared in person before this Court.

4. The National Investigation Agency in tandem with the Registrar, IT, organised a video conference to interact with Harshita Baid at 2.30 pm today in the open Court. Parents of Harshita were also present and the proceedings were conducted in camera. Harshita Baid made herself available in the office of the Assistant Commissioner of Police, Gulshan, Dhaka, where Mr.V.P.Chakraborty, APWO, Indian High Commission, Dhaka, Bangladesh was also present.

5. We interacted with Harshita Baid in the presence of her parents. She told us that she got attracted to Islam while she was studying in London University and in the year 2018, she got converted to Islam in Dhaka before marrying Sardar Nafeez Hussain on 28.10.2018 in Dhaka. Her parents also interacted with her and tried to convince her to come over to India but in vain. She stated that she is not under duress or coercion and that she, on her own volition, had converted to Islam and got married to Nafeez. However, her parents expressed their anguish by submitting that unless she comes in person, she will not be out of the influence of her handlers in Dhaka.

6. We are afraid, we cannot go beyond this and order her extradition to India. In fine, nothing further requires to be

done in this petition and accordingly, this Habeas Corpus Petition is closed.

7. It is indeed heartening to note that the Foreign Affairs Department of our Indian State is working in tandem not only with domestic investigation agencies like the National Investigation Agency but also with those of other sovereign States like Bangladesh to make such conference a reality. We record our appreciation to the National Investigation Agency and to the Indian High Commission in Dhaka for the efforts taken by them to assist this Court in dispensing justice.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Ministry of External Affairs,
Union of India,
South Block, New Delhi - 110011.
- 2.The Secretary to Ministry of Home Affairs,
North Block, New Delhi - 110001.
- 3.The Director,
National Investigation Agency,
CGO Complex,
Lodhi Road, New Delhi - 110003.
- 4.The Commissioner of Police, Chennai
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet, Chennai - 600007.
- 5.The Inspector of Police,
Central Crime Branch, Chennai
Vepery, Chennai - 600007.
- 6.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.S.P.Arthi, Advocate, S.R.No. 10805

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