

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

107 CRIMINAL WRIT PETITION NO.13 OF 2021

1. DHANYAKUMAR AMBADAS WAYKOS
age 54 years, occ. grocery shop,
R/o Jagdishwar Nagar, Ambad Road,
Jalna, Tq. & Dist. Jalna. ... Petitioner...

VERSUS

1. THE STATE OF MAHARASHTRA
through Police Sub Inspector,
Phulambri (Aurangabad Rural)
Police Station, Tq. Phulambri,
District Aurangabad.
2. The District Superintendent of Police,
Aurangabad, Dist. Aurangabad. ..Respondents..

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Advocate for Petitioner : Mrs. Sangeet Minakshi L.
APP for Respondents: Mr. S J Salgare

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.
Dated: March 21, 2022

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ORAL JUDGMENT :- (Per V K Jadhav, J.)

1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally at admission stage.

2. By order dated 17.3.2022 missing girl Aditi Waykos was produced before us by the relatives and the petitioner, however, we have directed the petitioner to take the missing girl Aaditi to the concerned police Station and after completing the formalities of recording her statement
aaa/-

etc. directed to produce the girl Aaditi before this Court today. Accordingly, missing girl Aaditi is produced before us at 02.30 p.m.

3. We have carefully gone through the statement of the missing Girl Aaditi recorded on 17.3.2022 by Shri Jaydatta B. Bhawar, Sub Divisional Police Officer, Sub Division, Aurangabad Rural, Aurangabad. It appears that missing girl has made serious allegations against one Aakash and some other persons. However, crime bearing crime no.321 of 2020 for the offence punishable under sections 363, 109 of IPC came to be registered against said Akash and his mother Chandrakala. It further appears that on the basis of the statement of missing girl Aaditi recorded on 17.3.2022 offence punishable under sections 366, 3762(n) of IPC and section 4, 6 of the POCSO Act came to be added in connection with the said crime.

4. We have interacted with the girl Aditi. She has told her age as 18 years and 2 months, however, as on the date of the incident she was less than 18 years of age. She has made severe allegations against said Aakash Pawar. We are not going to reproduce the said allegations here.

aaa/-

Investigation in connection with the said crime no.321 of 2021 is under progress. The girl Aaditi has stated before us in the open Court that she wants to go to her parents house.

5. The learned counsel for the petitioner, on instructions from the petitioner, who is present in person, submits that, the mother of the girl Aaditi is ready to take Aaditi to the house. Learned counsel for the petitioner, on instructions from the petitioner, has assured this Court that the girl Aaditi will be treated softly, with due care and caution and there will be no trouble to her in any manner. In view of the same and since the girl Aaditi has now attained the majority, she may go to her mother's house as per her desire. We discharge the rule of habeas corpus. Writ Petition is accordingly disposed off.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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