

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 101 OF 2022

Baba s/o Appaji Londhe
Age 50 years, Occ. Agri.
R/o. Dhawalgaon, Tq. Shrigonda
District Ahmednagar

...Petitioner

versus

1. The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya
Mumbai.
2. The Superintendent of Police
Ahmednagar, dist. Ahmednagar
3. The Police Inspector,
Belwandi Police Station
Tq. Shrigonda, Dist. Ahmednagar
4. The Sub Divisional Police Officer
Karjat Division, Karjat
Tq. Karjat, Dist. Ahmednagar

...Respondents

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Mr. N. B. Narwade, advocate for the petitioner
Mr. R. V. Dasalkar, A.P.P. for the respondents.

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 4th MARCH, 2022**

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

1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally at admission stage.
2. The missing girl Sonali is now produced before us at about 3.15 p.m.. It is not disputed that she is less than 18 years of age.

Though she has stated in her police statement that she joined the company of accused Sujit Bhondwe on her own, however, considering that she is below the age of 18 years, her consent is immaterial. However, the girl Sonali is reluctant to go with her parents, who are present before the Court.

3. We have also interacted with girl Sonali in the open court. The girl Sonali told us that she is not wrongfully detained by anyone and she do not want to go with her parents.

4. We have also interacted with the petitioner-father. The mother of girl Sonali is also present before the court. Both of them also reluctant to take her back. The petitioner-father has informed to us in the open court that since girl Sonali has stated about danger to her life from her parents, they are reluctant to take her back to their home.

5. Learned A.P.P. submits that the pregnancy test of girl Sonali has come positive and accordingly certain penal provisions under the provisions of Protection of Child from Sexual Offences Act, 2012 came to be added against accused Sujit Bhondwe. Learned A.P.P., on instructions, from the investigating officer, who is present before the court, in writing submits that at present the girl Sonali is kept in Girls' Child Home at Ahmednagar, run by one D. Pro. and After Care Association, Ahmednagar under the orders of the Child Welfare

Committee, Ahmednagar.

6. In view of above, since the parents of girl Sonali are reluctant to take her back to their house, we left with no other choice but to send the girl Sonali to the said Girls' Child Home at Ahmednagar. She shall be produced before the Child Welfare Committee, Ahmednagar every fortnightly for further orders in connection with her stay in the said Girls' Child Home. However, in any case, the Child Welfare Committee cannot set her free or to allow her to be in the custody of said Sujit Bhondwe and/or his family members till the girl Sonali attains the age of majority. We have directed to produce girl Sonali before the Child Welfare Committee every fortnightly for another reason also that the girl Sonali is now carrying pregnancy and as such, the committee may also monitor her health condition and pass periodical orders of her check up and consider other aspects relating to her pregnancy. In case of any confusion about further course of action, we grant liberty to the Child Welfare Committee, the girl Sonali or her parents to approach this Court by filing appropriate proceedings.

7. We make it clear that the parents of girl Sonali are at liberty to meet her in the Girls' Child Home at Ahmednagar. However, said accused Sujit Bhondwe is not permitted to meet her in the Girls' Child Home nor he can make any contact with the girl Sonali during her stay in the Girls' Child Home at Ahmednagar.

8. With the above observations, we make the rule of habeas corpus absolute. Writ petition is accordingly disposed of.

9. Registry to issue authenticated copy of this judgment to the requesting party.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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