

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

CRIMINAL WRIT PETITION NO. 1396 OF 2021

RAMESH ABASAHEB SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S. A. Deshmukh
APP for Respondents-State : Mr. S. J. Salgare

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CORAM : V. K. JADHAV AND

SANDIPKUMAR C. MORE, JJ.

DATED : 17th JANUARY, 2022.

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P. C. :

1. Pursuant to the writ of habeas corpus issued by this court on 05/01/2022, Police Nike Mr. Y. V. Gayake, Police Station Ghansangavi, District Jalna has produced the missing woman along with her two children at 4.30 p.m. Her statement came to be recorded after she was found. It is reported to us that the missing woman along with two children, on her own approached to the police. In her statement, the missing woman has stated that the petitioner / husband is treating her very badly and as such she do not want to stay with him. It has been further stated by her in her police statement that she is in love with one Dadarao Machindra Jadhav, resident of Sirasmarg, Taluka Georai, District Beed and she want to stay with the said Dadarao along

with the children. The said Dadarao is staying alone as his wife is no more.

2. We also interacted with the said missing woman namely Kalpana w/o Ramesh Sonwane. She has informed to us that she left the house on her own along with the children and presently staying with the said Dadarao. She has no complaint against the said Dadarao. It is her say that the said Dadarao has not detained her in any manner. On the other hand the missing woman Kalpana has informed to us that the petitioner / her husband subjecting her to cruelty and therefore, she left the house at her own. She has told us her age as 25 years. Further more, by appearance also she appears to be a major woman.

3. Though the learned counsel for the petitioner has vehemently submitted that the petitioner is now found COVID positive and he was not given entry in the court hall and further that the children are not willing to stay with the said Dadarao. However, the children before us are small kids. They are not in a position to give consent either this or that way. The learned counsel has also pointed out that the missing woman Kalpana has not obtained any divorce from the petitioner, however, she is staying with the said Dadarao. It is open for the petitioner to take an appropriate step in that regard. However, so far as the petition for habeas corpus before us is concerned, since the missing woman Kalpana is

not detained by anyone and she being a major woman, she is free and at liberty to stay as per her wish and will. With these observations, we disposed of this writ petition. The rule of habeas of corpus stands discharged.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

vsm/-