

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1397 OF 2021

SANDIP VINAYAK RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.V. Dixit, Advocate for the petitioner.
Mr. M.M. Nerlikar, A.P.P. for respondent Nos. 1 to 4.

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CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.

DATE : 22-02-2022.

ORDER :

1. The missing woman Sadhana Sandip Rathod, aged 26 years, is produced before us today at 2.30 p.m. by Police-sub-Inspector of Police Station, Chikalthana, Aurangabad. P.S.I. of Police Station Chikalthana Mr. Khatane has submitted report through the learned A.P.P. before us. On perusal of the same, it appears that the missing woman Sadhana has approached the Police Station on her own. P.S.I. Khatane has recorded her statement in detail.

2. On careful perusal of the statement of missing woman Sadhana, it appears that she had expressed her suspicion against her own brother and husband of her sister. According to her, they are planning to kill her. She has also

stated in her statement that she had disclosed the said plan to her husband, however, her husband has not taken cognizance of the same. Thus, she is also suspecting involvement of her own husband in the said plan. The missing woman Sadhana in her statement has referred the recording from her brother's mobile wherein her own brother and husband of her sister namely Deelip Sitaram Chavan have talked with each other as to in what manner the missing woman Sadhana was to be eliminated.

3. We have interacted with the missing woman Sadhana in the open court. She has almost repeated the same allegations. We also noticed that she is mentally sound and making statement before us in a very bold manner. She had expressed her suspicion against her brother, husband of her sister and also against her own husband. She has told us that she left the house on her own and she is not under detention of anyone. According to her, she is doing some job in Shagun Saree Centre at Gujrat. However, she could not give details of the said shop. According to her, she is residing with her friend Chanda Raju Chavan, however, she has avoided to give the phone numbers under this or that pretext.

4. Petitioner No. 2 Sahebrao is the father of missing woman Sadhana. He has lodged complaint dated 07.10.2021 in Police Station, Chikalthana alleging therein that when he alongwith his wife and missing woman Sadhana were working in the field, accused Nitesh Govardhan Chavan, Krushna Mangilal Pawar, Mithun Ankush Rathod and Pritesh Govardhan Chavan had come in the field and took her alongwith them in one white coloured vehicle. Accordingly, on the basis of his complaint, Crime No. 475/2021 came to be registered at Chikalthana Police Station for the offence punishable under Section 363 read with Section 34 of the Indian Penal Code against Nitesh Chavan and three others.

5. In the backdrop of the allegations made in the complaint lodged by the father, we have specifically inquired with the missing woman Sadhana as to who has prompted her to approach the Police Station, Chikalthana and how she came to know about the petition filed in this Court. However, she is unable to answer our query. It appears that missing woman Sadhana has left the house on her own for the reason best known to her. In the backdrop of her statement recorded by the police and further considering the circumstances leading to file the complaint in the concerned police station, the petitioner No. 1 at present is reluctant to take her for

cohabitation. Even petitioner No. 2 father of the missing woman Sadhana is also not ready to take her to his home. Further, the missing woman Sadhana is also not ready to go to either the house of her husband or her parents. She has repeatedly told us that she is earning some Rs. 4,000/- to Rs.5,000/- per month in the said Shagun Saree Centre at Gujrat and the same is sufficient for her survival. Though we have specifically asked the missing woman Sadhana as to whether she is residing with the said Nitesh Chavan, however, she has given evasive answers. We have already mentioned above that even she did not give any reason as to how she has come to know about filing of the present petition. It, thus, appears that the missing woman Sadhana who is major woman, has taken some decision on her own. She is not detained by anyone. On the other hand, she is acting on the basis of certain instructions given to her. We direct that the missing woman Sadhana be set at free forthwith.

6. In view of the above, the Rule of *habeas corpus* stands discharged. Criminal Writ Petition is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

(V.K. JADHAV, J.)