

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 CRIMINAL WRIT PETITION NO.1512 OF 2021

Lalitabai w/o Bharat Chavan
Age 32 years, Occ. Household
R/o. Kargaon Tanda No.3,
Tq. Chalisgaon, Dist. Jalgaon

...Petitioner

versus

1. The State of Maharashtra
Through the Secretary,
Home Department,
Mantralaya, Mumbai
2. The Superintendent of Police
Jalgaon, District Jalgaon
3. The Police Inspector
Chalisgaon Police Station (Rural)
Chalisgaon, District Jalgaon
4. Sachin Shrinath Nagwade
Age major, Occ. Business
R/o. Wangdari, Tq. Shrigonda
District Ahmednagar
5. Ajinkya Ravindra Nagwade
Age major, Occ. Business,
R/o. As above.
6. Ajay Powale (full name not known)
Age major, Occ. Business
R/o. As above

...Respondents

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Advocate for Petitioner : Mr. M. L. Wankhede h/f Mr. R. B. Ade
APP for Respondents 1 to 3: Mr. R.V. Dasalkar
Advocate for Respondents 4 to 6: Mrs. S. C. Thombre h/f Mr. C.V.
Thombre
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 4th APRIL, 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 person viz. Bharat Namdeo Chavan is now produced before us by A.P.I. Mr. Ramesh M. Chavan, Chalisgaon Rural police station. The learned A.P.P. has submitted the report of A.P.I. Mr. Chavan and the statement of missing person Mr. Bharat Chavan recorded during the course of inquiry. On perusal of the same, it appears that though the missing person Mr. Bharat Chavan was subjected to some harassment and ill-treatment by Sachin Nagwade and Ajinkya Nagwade, however, missing person Mr. Bharat ran away and he was not under detention. It appears that this pertains to monetary transaction in respect of supply of labour for cutting the sugarcane.

3. When we have interacted with Mr. Bharat, he has stated before us that he was detained by Sachin Nagwade during the said period. However, it appears that he has stated something different in his statement recorded by the police on 4.4.2022. However, the missing person Mr. Bharat is 40 years of age and he wants to return to his house situated at Kargaon Tanda No.3, Tq. Chalisgaon, District Jalgaon. Thus, the missing person Mr. Bharat is at liberty to stay at the place of his choice. He be set at free forthwith.

4. On the basis of complaint of missing person viz. Bharat, if any, it is for the concerned police to apply the mind and register the crime.

5. Rule of habeas corpus stands discharged. Writ petition is accordingly disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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