

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 782 OF 2022

1. Darshana Ganesh Sabale
2. Geeta Ganesh Sabale ...Petitioners

Versus

1. The State Of Maharashtra
2. Rescue Foundation ...Respondents

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Mr. M. A. Khan a/w Ms. Dipti Mehta, Advocate for the Petitioners.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. B. P. Londhe PSI, Aachole Police Station, Present.

CORAM : PRAKASH D. NAIK, J.
DATE : 5th JULY, 2022.

PER COURT:

1. The Petitioners have challenged order dated 27th January, 2022 passed by learned Additional Sessions Judge, Vasai rejecting the application preferred by the Petitioner No.2 seeking release of Petitioner No.1 from Rescue Foundation.

2. The Petitioner No.2 was rescued at the time of raid conducted by investigating agency. Inquiry under Section 17 of the P.I.T.A. Act was conducted. The Petitioner No.1 was kept at Rescue Foundation.

3. The Petitioner No.2 is mother of Petitioner No.1. The Petitioner No.1 is aged around 18 years.

4. The Petitioner No.2 preferred application before the Sessions Court for release of Petitioner No.2. Report of probation officer was called. Report was submitted. It was stated that Petitioner No.1. be kept at Rescue Foundation for rehabilitation. Petitioner

No.2 filed copies of Aadhar Card of Petitioners. The parents of Victim are unemployed. Victim and her sister are doing job of housemaid. The parents of victim are residing in rented premises. They have sold their house. There is likelihood that the victim would be compelled to carry similar act. The victim is taking training and undergoing counselling.

5. Learned Advocate for the Petitioners submit that the Petitioner No.1 (victim) is major. The Petitioner No.2 is mother of Petitioner No.1. She would take care of Petitioner No.1.

6. Learned APP tendered statement of Petitioner No.1 dated 25th June, 2022 recorded by the Police Sub Inspector in the presence of Superintendent Rescue Foundation, Boisar, Palghar. In the said statement the victim girl has stated that she intends to stay with her parents and she may be released from Rescue Foundation. The statement is taken on record and marked as 'X' for identification.

7. Considering the aforesaid circumstances, I pass the following order :-

ORDER

- i. Criminal Writ Petition No. 782 of 2022 is allowed and disposed of;
- ii. The victim Darshana Ganesh Sabale be released from Rescue Foundation, Boisar, Palghar.
- iii. The Petitioner No.2 shall file undertaking that the victim/ Petitioner No.1 would be kept in her custody and she would look after her welfare and the victim girl shall not be compelled to indulge in illicit trafficking.

- iv.** The affidavit shall be filed before the Court of Sessions before the release of Petitioner No.1.
- v.** Undertaking/Affidavit/Form if any, in accordance with requisite Rules be filed by Petitioner No.1 before Sessions Court.
- vi.** Copy of affidavit be furnished to Rescue Foundation.
- vii.** Parties to act on authenticate copy of this order.

(PRAKASH D. NAIK, J.)