

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 542 OF 2022

Vindadevi Sitaram Sharma	...Applicant
Versus	
State Of Maharashtra And Anr	...Respondents

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Mr. Karan Mertia alongwith Mukesh Mishra, Riya Sayyed,
Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th AUGUST, 2022

PC :

1. The applicant has challenged order dated 30.04.2022 passed by Sessions Court rejecting the application preferred by applicant for releasing the victim.
2. First Information Report was registered with Arnala Police Station for the offences under Sections 366 (A), 370, 370(A)(1), Sections 4 and 5 of the Immoral Trafficking (Prevention) Act and Sections 4, 16, 17 and 18 of the POCSO Act. The victim was sent to Rescue Foundation which is situated at Boisar, District -Palghar, Maharashtra.
3. The applicant is the mother of victim. The victim is a married woman having minor child. She is staying with her

husband who is Government employee and he is in better position to maintain her.

4. The applicant preferred application before the Sessions Court which has been rejected by order dated 30.04.2022 on the ground that the victim needs counseling and guidance to lead better life in the rehabilitation and it is necessary to retain her custody with rescue foundation. She would avail counseling as well as livelihood.

5. It is pertinent to note that the applicant is the mother of victim. It is contended that the husband of victim was out of station and hence the application was preferred by the applicant for releasing the victim from rescue foundation. The husband of the victim has tendered affidavit dated 06.08.2022 which is taken on record and marked 'X' for identification stating that he is a Government employee. He had gone to his native place for attending engagement ceremony of his sister and therefore, Petition was filed by mother of victim for release of victim. The victim is his legally wedded wife and she was residing with him prior to this incident alongwith child who is below four years of age. The victim is going to reside with him and the child. He gave undertaking that he will look after her and take entire

care and responsibility of victim and his child. Hence, victim may be released as early as possible.

6. Victim has been in custody of rescue foundation since 05.03.2022. She is a major lady having one child. The affidavit has been filed by the husband of the victim. This application was preferred by mother of the victim. Considering these circumstances, application can be allowed.

ORDER

- (i) Criminal Application No. 542 of 2022 is allowed.
- (ii) Order dated 30.04.2022 passed by Additional Sessions Judge-2 Vasai rejecting the Criminal Misc. Application No. 53 of 2022 is set aside.
- (iii) The victim, in the present case, be released from custody of rescue foundation.
- (iv) She shall stay with her husband and child. The husband shall take care of the victim and his child.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)