

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 10 OF 2022

Prakash s/o Dalpat Shinde
Age: 40 yrs. Occu. Agri.
R/o. Palaskheda,
Tq. Soyegaon, Dist. Aurangabad.

... Petitioner
[Orig. Informant]

Versus

1. The State of Maharashtra
Through the Secretary,
Home Ministry,
Maharashtra State, Mantralaya,
Mumbai – 32.

2. The Superintendent of Police
(Rural), Aurangabad,
Tq. & Dist. Aurangabad.

3. The Police Inspector
Fardapur Police Station,
Tq. Soyegaon, Dist. Aurangabad.

4. Rahul s/o Shivilal Maher
Age: 25 yrs., Occu. Agri.
R/o. Palaskheda, Tq. Soyegaon,
Dist. Aurangabad.
[Name of Respondent no.4 is deleted
as per Hon'ble Court's orders
dated 15.02.2022 & 15.03.2022]

... Respondents

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Mr. Angad L. Kanade, Advocate for the petitioner.
Mr. S. J. Salgare, APP for Respondent-State.

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 08 AUGUST 2023

PER COURT :-

1. The girl is produced before us by Mr. Bharat Morey, API, Fardapur Police Station and Ms. C. U. Nagarale, Lady Head Constable, Fardapur Police Station. It appears that the girl along with respondent no.4 were taken in custody from Therwadi, Taluka Karjat, District Ahmednagar.

2. Heard Mr. Kanade, learned Advocate for the petitioner as well as Mr. Salgare, APP for the respondent-State.

3. It is stated that respondent no.4 has been arrested and he is presently in Magisterial custody. From the record, it appears that age of the girl as of today is eighteen years and two months. It appears that she was produced before the Child Welfare Committee, Aurangabad on 07.08.2023 and a temporary arrangement was made for her stay at Savitribai Mahila Vasatigruha, Nutan Colony, Aurangabad, but it is said that as she is not willing to go with her parents, she has made an application for making arrangement for her shelter.

4. We have taken up the matter in chamber and we have made inquiry with the girl. She is firm on the point that she does not want to go with her parents. It has been also informed to us that the girl is now pregnant of six months. It is also informed that after she attended majority, she and respondent no.4 have performed marriage at Alandi. Be that as it may, since she is unable to go with her husband and she is not willing to go with her parents and further, none of the relatives of respondent no.4 are present who can take the girl with them, therefore, there is need to protect her safety.

5. We therefore direct the Superintendent, Savitribai Mahila Vasatigruha, Nutan Colony, Aurangabad to take care of the victim and provide her necessary medical help as she is pregnant.

6. Initially, she be kept there for six months, depending upon her own choice. Further, and in the event respondent no.4 would be released on bail, she states that she would go along with him. If she does not opt any other way till the expiry of six months, then, further custody or further arrangement be made by learned Special Judge under the Protection of Children From Sexual Offences Act, 2012 [POCSO Act] before whom the case would proceed. None of the authorities is required to approach this Court for extension of her stay

in the said hostel. We also grant liberty to the girl to approach the Special Court under POCSO Act, where the case would be filed, to seek any kind of relief in the event of any supervening circumstances.

7. Needless to say, since she is a citizen, Government of Maharashtra to bear the cost of her maintenance.

8. In view of these developments, the present petition stands disposed of.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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