

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 396 OF 2023

Smt. Pramila Ramesh Barde,
Age : 45 years, Occu – Household,
R/o. Waman Wadi Road, Chincholi Gurav,
Tq – Sangamner, Dist. - Ahmednagar .. Petitioner

Versus

- 1] The State of Maharashtra
Through Police Inspector,
Sangamner Taluka Police Station,
Sangamner, Dist – Ahmednagar
- 2] The Superintendent of Police,
Ahmednagar .. Respondents

...
Advocate for the petitioner : Mr. Ajinkya Kale h/f. Mr. Rajesh H. Mewara
APP for the respondent – State : Mr. S.D. Ghayal
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 11 APRIL 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Not on Board. Taken on Board, on mentioning.

2. Heard learned advocate for the petitioner and the learned
A.P.P.

3. The petitioner who is mother of the victim has filed this writ
petition for *habeas corpus*.

4. Shri Sanjay Satav, the Sub Divisional Police Officer,
Sangamner Division, Sangamner with his written report dated 11 April

2023 is present before us and produces the victim with Ms. Lata Bharmal, lady Police Head Constable of Police Station, Sangamner.

5. We have interacted with the girl. She is barely 15 years of age and has delivered a baby recently about a month back. She expresses her willingness to go back to her parents. Simultaneously, she also informs us that for all this while she has been residing in Mumbai with her husband. She was not put under any confinement but now wants to go back to her parents.

6. The parents i.e. the petitioner and her husband are present in person along with their learned advocate. They submit that they are ready to take the girl with them.

7. These are unprecedented circumstances wherein the girl has not been in the custody of her parents since the age of 14 years 6 months and has subsequently even delivered a baby. Her statements are to be recorded in connection with the crime. In the circumstances, we are more concerned with her safety. We are not sure if in the peculiar circumstances, she would be safe in the hands of her parents *albeit* we are not forming any final opinion.

8. For the time being till necessary formalities are over and the investigation in the crime is completed, we direct her to be kept in Snehalaya at Ahmednagar which is a Shelter Home as per the statement made by the learned Sub Divisional Police Officer.

9. We direct Snehalaya Shelter Home at Ahmednagar accordingly to keep the victim and her child in safe custody and take steps for the welfare of both.

10. Learned advocate for the petitioner requests that the parents may be granted some visitation rights so that they can meet the victim at Snehalaya, Ahmednagar.

11. Considering the fact that the statement of the victim is yet to be recorded by the Child Welfare Committee and even under section 164 of the Code of Criminal Procedure, there should be no contact between the parents and the victim. However, once the Investigating Officer takes necessary steps and is able to record the statements, the parents would be entitled to meet the victim twice in a week in the premises of the Snehalaya, Ahmednagar.

12. Criminal Writ Petition is disposed of.

13. The petitioner may renew her request after the investigation is over and the final report is filed. The Investigating Officer shall take urgent steps for recording statements of the victim by Child Welfare Committee and also under section 164 of the Code of Criminal Procedure.

14. Parties to act on authenticated copy of this order.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/