

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.708 OF 2023

Mrs. Prachi Nandaraj Bhagat

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mrs. Sabina Shaikh, for the Petitioner.

Smt. M.H. Mhatre, APP for the State.

Mr. A.K. Chauhan a/w. Mr. Rahul Chauhan, for Respondent Nos.4 to 6.

**CORAM : SUNIL B. SHUKRE &
ABHAY S. WAGHWASE, JJ.**

DATE : 9th MARCH, 2023.

P.C. :

1. Learned counsel for Respondent Nos.4 to 6 to file their respective replies on or before the next date.

2. Now, the learned APP has tendered to the Court the documents comprising statement dated 05.03.2023 of Nanadraj Bhagat, alleged husband of the petitioner, copy of the communication issued by one Leena Pardhe, Chief Trustee of the New Life Care Foundation to Shri. S.S. Shelke, Assistant Police Inspector, Mumbra Police Station, Thane City and medical papers. All these documents are taken on record and

collectively marked as document 'A'. Copy of these papers be furnished to the learned counsel for the petitioner and learned counsel for Respondent Nos.4 to 6. These documents show that the alleged husband of the petitioner, Nandaraj Bhagat, is suffering from some medical ailments and he categorically states that he does not know any girl by name Prachi. He also states that he does not remember whether he is married with this girl. He further states that his medical treatment is going on and as of now he is unable to identify any persons appearing before him. The communication dated 05.03.2023 written to the Investigating Officer by the Chief Trustee of the New Life Care Foundation shows that condition of Nandaraj Bhagat is not stable; he is unable to recognize people, he is getting aggressive and is getting shivers. He further states that currently the New Life Care Foundation Authorities are treating Nandaraj Bhagat for his alcoholic dependency and mental illness through their professional team of doctors, counselors and psychologists. The medical papers attached to the communication dated 05.03.2023 of the Chief Trustee support the contents of the communication dated 05.03.2023.

3. Learned counsel for Respondent Nos.4 to 6 submits that the petitioner is well aware of the mental instability of the husband of the petitioner, his alcoholic addiction and his mental illness and yet she has

filed this petition by making false allegations that the parents of Nandaraj Bhagat have detained him illegally and unlawfully.

4. Considering the details furnished to the Court regarding the present position of Nandaraj Bhagat, we do not find that Nandaraj Bhagat has been kept in detention illegally and unlawfully by his parents or anybody else. If that is so, the very basis of this petition is swept away, and therefore, the petition deserves to be dismissed. The petition stands dismissed.

5. We would like to grant further time to the respondents to file their replies in the matter, but now learned APP has produced to this Court a bunch of papers revealing the current position of Nandaraj Bhagat. These papers are taken on record and collectively marked as document 'A' for identification.

[ABHAY S. WAGHWASE, J]

[SUNIL B. SHUKRE, J.]