



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.446 OF 2023

Satish Vishnu Matade

..Petitioner

Vs.

The State of Maharashtra
and ors.

..Respondents

Mr.N.B.Patekar and Mr.K.R.Gavhane, Advocates for petitioner

Mr.S.B.Pulkundwar, Addl. Public Prosecutor for respondent nos.1 to 4

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : APRIL 12, 2024**

ORDER (PER R.G.AVACHAT, J.) :-

Not on board. Upon mentioning, taken on board.

2. This matter pertains to the Court (Coram : Mangesh S. Patil & Shailesh P. Brahme, JJ.). Since the said Court is not sitting today, the matter is placed before us.

3. It is a Habeas Corpus petition filed by the father of minor girl - "X" (name withheld). The concerned Police Officer has produced the minor girl before us. Her father is also present. Learned Addl. Public Prosecutor and the Investigating Officer Ms. Aarti Jadhav, Asst. Police Inspector, Human Trafficking Cell, Chhatrapati Sambhajinagar, are present.

4. We have interaction with the minor girl. She would be attaining the age of majority, i.e. 18 years, after two months. According to her and as stated by the Investigating Officer, the minor girl had eloped with respondent no.5 - Akshay Chabukswar in March, 2023. About fourteen months are over since then. The minor girl informed us to have married with respondent no.5 - Akshay and was residing happily with him. We have seen she was sporting *Mangalsutra*.

5. When the minor girl expressed her desire to join respondent no.5 - Akshay, her father (petitioner herein) agreed thereto, provided she attains the age of majority. He made statement before us that once the girl would attain the age of majority, he will ask her/allow her to join respondent no.5 - Akshay Chabukswar.

6. Now, it is reported to us that an offence of kidnapping has been registered against respondent no.5. He has been arrested and is in jail. It is now informed that since the victim girl is below 18 years of age, provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) are going to be invoked. Be that as it may.

7. In the aforesaid factual backdrop, we allow the minor girl, who is produced before us, to join her father who is also present before us.

8. The Investigating Officer, on instructions, makes a statement that before the trial Court, she would not raise any objection for grant of bail to respondent no.5 - Akshay Chabukswar.

9. In view of the above, this Court hope that the trial court would consider the Bail Application of respondent no.5 - Akshay Chabukswar in the right earnest and pass necessary order. The father of the minor girl has also mentioned before us that he does not have any objection, if the trial court would grant bail to respondent no.5 - Akshay Chabukswar. It is not known, whether respondent no.5 - Akshay Chabukswar has engaged an Advocate before the trial court. If he has not engaged any advocate, we hope that the trial court will appoint someone to represent said boy (Akshay), who is just 24 years of age and do the needful, as desired by us in this order.

10. The petition stands disposed of.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP