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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 980 OF 2024**

Atul Raghunath Tiwale

...Petitioner

Versus

State of Maharashtra & Anr

...Respondents

Mr. Harshad Sathe, for the Petitioner.

Ms. Prajakta P. Shinde, APP for the Respondent-State.

**CORAM : N. R. BORKAR, &
SOMASEKHAR SUNDARESAN, JJ.
DATE : 29 MAY 2024.
(VACATION COURT)**

PC:-

1. This Petition seeks a Writ of Habeas Corpus to produce the Petitioner's wife namely, Mrs. Priyal Atul Tiwale before this Hon'ble Court and to set her liberty forthwith, on the ground that the said lady is under forcible and illegal detention by her father namely, Amrut Chunilal Rawal, Respondent No.2. The said lady is a wife of the Petitioner and the marriage is an inter-community and inter-caste marriage.

2. On 1st April 2024, notice was issued to Respondent No.2, returnable on 22nd April 2024. On 22nd April 2024, the Registrar Judicial (II) was directed to issue a reminder to Respondent No.2 and the matter was stood over to 8th May 2024. On 8th May 2024, the

matter was stood over to 10th May 2024, but Respondent No.2 had not been present on either date. Thereafter, the matter came to be heard by the predecessor Division Bench holding Court in Vacation, where Respondent No.2 entered appearance through an Advocate. On that date, Respondent No.2 was directed to ensure that the lady in question is presented before this Court on 22nd May 2024. On 22nd May 2024, although the Advocate for Respondent No.2 was present, the lady was not been produced before the Court. To give one more opportunity, Respondent No.2 was directed to present the lady before this Court today, i.e., 29th May 2024.

3. Today, when the matter was called out in the first instance, none appeared for Respondent No.2. We kept the matter back to enable Respondent No.2 or his Advocate to be available to address us, but we find that even in the second calling, none appears for Respondent No.2. *Prima-facie*, it appears to us, that this Court is being avoided, perhaps in the fond hope, that somehow the matter can keep getting postponed. On the last occasion, Advocate for Respondent No.2 had submitted that Respondent No.2 had instructed the Advocate that his daughter is with him of her own free will and does not desire to come down to Mumbai where her

husband resides. Such a stance appeared to us improbable and inexplicable, since the couple has a son aged six months who has been left with the father without a mother at such a tender age. It is not normal at all for this Court to see situations where a mother abandons a six month-old child overnight. *Prima-facie*, it appears that the Petitioner's apprehensions are not without basis. Such apprehensions appear to be underlined further by Respondent No.2 and the Advocate absenting themselves from today's hearing.

4. In these circumstances, we direct Respondent No.1-Karveer Police Station, Kolhapur to depute suitable personnel (including lady officers) to visit Jalore, Rajasthan to conduct enquiries and investigate from those residing in the vicinity to track the whereabouts of the said lady namely Mrs. Priyal Atul Tiwale and produce her before this Court at the earliest. We are concerned about the emotional well-being of the lady and if her autonomy is being exercised.

5. We request the Learned P.P. to communicate the anguish of the Court to the authorities in question and request them to have an appropriate team to conduct the aforesaid exercise. No sooner than

Mrs. Priyal Atul Tiwale is identified, she must be brought to Mumbai, Learned P.P. office shall mention the matter before the Vacation Court or Regular Bench.

6. Learned Counsel for the Petitioner submits that he would provide to the learned P.P. other multiple potential addresses and clues and leads to enable Karveer Police Station, Kolhapur officials to effectively conduct the exercise that we have directed them to do.

7. Stand over to 11th June 2024.

(SOMASEKHAR SUNDARESAN, J)

(N.R. BORKAR, J.)