IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 12095 of 2025

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ILYASBHAI RASULBHAI BHOHARIA

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR. SOEB R. BHOHARIA(2205) for the Applicant(s) No. 1
VALIMOHAMMED PATHAN(6383) for the Applicant(s) No. 1
MR MAHESH BARIA WITH MR. VIJAY LODHA for the Respondents No. 3,4,5
MR JK SHAH APP for the Respondent No. 1

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 22/12/2025

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. We have heard learned counsel Mr. Soeb R. Bhoharia and Mr. Mahesh Baria with Mr. Vijay Lodha, and learned Additional Public Prosecutor Mr. J.K. Shah for the respective parties.

2. Registry is directed to accept the appearance of Mr. Mahesh Baria and Mr. Vijay Lodha, learned advocate for and on behalf of respondent No. 3 to 5.

3. Mr. J.K. Shah, learned Additional Public Prosecutor tendered investigation progress report, prepared by PI – Koth Police Station, Ahmedabad (Rural). The same is taken on record.

4. We have orally inquired from the corpus aged about 16 years and 3 months about her willingness. She made categorical statement that,

she is in love with the respondent and after completion of statutory age, she expect from parents to give their consent for the marriage with the person with whom she is in love. The parents, who are present, have expressed their concern about the tender age of the victim and her immaturity to take any decision.

5. In our opinion, at this stage, it is difficult to get any assurance from the parents about what corpus is expecting, as it is a question of time. Thus, therefore, considering the peculiar facts and circumstances of the present case, the victim is permitted to accompany the petitioner father as per her wish and willingness.

6. Petition stands disposed of. The police authority is directed to handover the custody of minor to the petitioner. Direct service permitted.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

P.S. JOSHI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PALLAV SUBHASHCHANDRA JOSHI(HC00177), Principal Pvt. Secretary, at High Court of Gujarat on 22/12/2025 15:53:41