

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL WRIT PETITION NO.341 OF 2025**

Sohit Arun Kumar Singh ....Petitioner

## Versus

State of Maharashtra & Ors. ....Respondents

Mr. Vinayak Katti i/b. Advocate Rukhsar Ansari a/w. Ms. Himanshi Thakur for the Petitioner.

Ms. Supriya Kak, APP for Respondent No.1 - State.

**CORAM : RAVINDRA V. GHUGE &  
PRAVIN S. PATIL, JJ.**

DATE : 27<sup>th</sup> JANUARY, 2025

**P.C. :-**

1. This case has brought peculiar facts and circumstances before us. The petitioner fell in love with Respondent No.2, presuming that she is 18 years of age. The Petitioner was 20 years of age at that time, having been born in 1996. The Petitioner was told by Respondent No.3 that Respondent No.2 was born on 19<sup>th</sup> February, 1995. Thus, according to the perception of the Petitioner, Respondent No.2 was elder to him by one year. Both profess the same religion.

2. The grievance of the Petitioner is that the brother of Respondent No.2 lodged an FIR on 24<sup>th</sup> February, 2016 with the

Mira Road Police Station, Thane Rural. A charge of kidnapping was leveled and Section 363 of the Indian Penal Code was invoked. Subsequently, Sections 109, 376 read with Section 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 were invoked. The Petitioner was arrested. By an order dated 19<sup>th</sup> July, 2016, passed below Exh. 1 in Criminal Bail Application No.1269 of 2016, he was released on bail.

3. The learned APP submits that the Complainant has two Aadhaar Cards. One Aadhaar Card shows her date of birth as '23<sup>rd</sup> August, 1995' and the second Aadhaar Card shows her date of birth as '23<sup>rd</sup> August, 1999'. It is the further grievance of the Petitioner that the second Aadhaar Card is got prepared by Respondent No.3, the biological brother of Respondent No.2, only to show that she was less than 16 years when she eloped with the Petitioner.

4. The learned Advocate for the Petitioner informs that subsequently, both of them got married on 22<sup>nd</sup> February, 2016 and they have a male child born on 15<sup>th</sup> October, 2018. The child is now 7 years of age and residing with the mother. The learned Advocate

for the Petitioner further submits that Respondent No.3 ensured that Respondent No.2 was taken out of the custody of the Petitioner and is presently confined to her parents home only because of Respondent No.3.

5. The learned APP relies upon the judgment delivered by the Hon'ble Supreme Court in *Sanjeev Kumar Gupta v/s. State of Uttar Pradesh and Anr.*<sup>1</sup> to support her contention that the age verification has been properly done by the Investigating Agency in the light of the observations of the Hon'ble Supreme Court in paragraphs 10, 11 and 12 in *Sanjeev Kumar Gupta* (Supra). The learned APP further places reliance upon *Vinod Katara v/s. State of Uttar Pradesh*<sup>2</sup>, more particularly paragraph 22.

6. The learned Advocate for the Petitioner submits, on instructions that the Petitioner has not preferred a Petition for issuance of a Writ of Habeas Corpus since he fears for his life and freedom of his wife, at the hands of Respondent No.3, her biological brother.

---

1 (2019) 12 SCC 370

2 (2024) 4 SCC 150

7. **Issue notice to the Respondents**, returnable on 5<sup>th</sup> March, 2025. The learned APP waives service of notice on behalf of Respondent No.1.

8. Until the returnable date in this matter, the Trial Court would adjourn the proceedings.

9. Two spare copies of the Petition Paper Book, for effecting service of notice on Respondent Nos.2 and 3, shall be supplied on or before 5<sup>th</sup> February, 2025, failing which this Petition will stand dismissed without reference to the Court on 6<sup>th</sup> February, 2025.

10. Office objections, if any, to be removed, on or before 10<sup>th</sup> February, 2025, failing which, this Petition shall stand dismissed without reference to the Court, on 11<sup>th</sup> February, 2025.

**(PRAVIN S. PATIL, J.)**

**(RAVINDRA V. GHUGE, J.)**