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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4415 OF 2025

Shri. Premchand Ramanand Rajbhar ... Petitioner

V/s.

The Senior Inspector of Police & Anr. ... Respondents

Mr. Brijesh Shukla a/w. Mr. Shankush Tripathi, for Petitioner.

Mr. Mayur Sonavane, Addl. P.P. for the Respondent – State.

API Amar Kamble and WPSI Ashwini Padvale of Mankhurd Police Station,
Mumbai.

CORAM : RAVINDRA V. GHUGE AND
GAUTAM A. ANKHAD, JJ.

DATE : 18th AUGUST, 2025.

ORAL JUDGMENT : (Per : GAUTAM A. ANKHAD, J.)

1) Rule. Rule is made returnable forthwith. With the consent of the parties, the matter is heard finally.

2) The Petitioner has filed the present Petition under Article 226 of the Constitution of India, seeking a Writ of *Habeas Corpus* in respect of his daughter, who was missing since 22nd July 2025. By our order dated 14th August 2025, we directed the police to secure the presence of the minor

before this Court.

3) The matter was taken up in Chambers today to facilitate an interaction with the minor and ascertain her preference if she wished to continue residing at the Child Welfare Committee (CWC) located at Parshwadi, Mankhurd, Mumbai or return to her parental home. The minor was produced before us by PSI Ms. Ashwini Padwale and API Mr. Amar Kamble.

4) In order to ensure her comfort, we directed the Advocates and parties to wait outside. We inquired into her well-being, background, and age. The minor stated that her date of birth is 27th April 2008, though her Aadhaar Card records it as 24th April 2008. She further stated that until recently, she was pursuing her 11th grade studies at Siddharth College, Flora Fountain.

5) During our interaction, the minor appeared composed, confident, and answered all questions without hesitation. She expressed a clear desire to continue residing at the CWC until she delivers her baby, and to shift to her parents residence along with the baby, only thereafter. She had no complaints against either her parents or her male friend, who is presently under arrest. She stated that her male friend earns his livelihood through carpentry work. They intend to marry once she attains the age of majority. She confirmed that

he has taken good care of her during the past few months. She requested that assistance be extended to him for securing bail so that they can remain together.

6) After interacting with the minor, we also heard the Petitioner and the learned Advocates. We apprised them of the minor's wishes. The Petitioner, visibly anguished, urged us to direct the minor to return to the parental home. He submitted that his family cannot accept an inter - community/religion marriage. At her adolescent age, she lacks the maturity to fully comprehend the consequences of her decisions. He assured that the family is ready and willing to take her home, and would provide care during her pregnancy and thereafter.

7) Having heard the Petitioner and the learned Advocates, and after extensively interacting with the minor, we find that this Petition is worked out, as the minor has been produced before us. We find that the minor has demonstrated an ability to understand the implications of her choices and has expressed her wish to remain at the CWC. To our queries, she declined to return to her family at this stage, possibly apprehending the social stigma that her family may face. She, however, reiterated that she cares for her family and desires to maintain good relations with her parents.

8). We are mindful that the Court cannot compel her to reside with her parents against her express wishes. The welfare of the minor, who is pregnant, is now of paramount importance. Considering these peculiar facts and to safeguard her well-being, we issue the following directions:

(i) The minor shall continue to reside at the CWC, Parshwadi, Mankhurd, Mumbai, until she attains the age of 18 years. However, if she subsequently expresses a desire to return to her parents, CWC shall permit the same, upon completion of the requisite discharge formalities.

(ii) The parents shall be permitted to meet the minor in accordance with the Rules of the CWC. If circumstances so warrant, the CWC shall depute a lady supervisor to facilitate such interactions.

(iii) The CWC shall ensure that the minor receives proper medical care, including regular check-ups at a Government or Municipal hospital.

(iv) In the event the minor's male friend requests for legal assistance, the State Legal Services Authority shall extend appropriate free legal aid, to enable him to avail such remedies as are available to him in law.

9) **The Petition stands disposed off** in the above terms. Rule is discharged.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)