



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.168 OF 2025

Harsh Rajendra Gatlewar Vs. The Commissioner of Police and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr.R.D.Dhande, Advocate for petitioner.
Mr. I.J.Damle with Ms. S.S.Jachak, APP for respondent State.
Mr. S.I.Gatte, counsel for respondent Nos.4 and 5.

CORAM : ALOK ARADHE, CJ. AND NITIN W. SAMBRE, J.

DATE : 24th FEBRUARY, 2025.

P.C.

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the respective parties.

2. The petitioner, in this Writ Petition, *inter alia* seeks writ of *habeas corpus* directing respondent Nos.1 to 3 to produce the respondent No.4 namely, Akansha Bhimrao Fusate from the custody of respondent No.5 namely, Bhimrao Fusate her father. The petitioner in addition, seeks a direction to the Commissioner of Police to provide safe house facility at Nagpur to the petitioner and respondent No.4, in the light of circular dated 18/12/2024 issued by the State of the Maharashtra for a period, till danger to their lives subsist.

3. On receipt of the notice of the petition, the respondent Nos.1 to 3 have produced detenu Akansha Bhimrao Fusate before this Court, who was accompanied with respondent No.5-her father.

4. In accordance with the guidelines issued by the Supreme Court in the case of ***Devu G Nair. V State of Kerala and ors 2024, Livelaw (SC) 249***, this Court on production of the corpus namely, Akansha Bhimrao Fusate interacted with the detenu namely Akansha in chamber to ensure her privacy and safety in the presence of learned counsel for both the sides as well as the learned Additional Public Prosecutors.

5. The detenu stated that her date of birth is 01/06/2000 and she has obtained her Bachelor as well as Master degree in Commerce. It is further submitted that she married respondent No.4 on her own volition on 21/12/2023 and is willing to join the matrimonial home. It is further stated by her that the respondent No.5 has issued threats to her and therefore, the detenu is worried about her and her husband's physical safety.

6. The learned counsel appearing for the petitioner has invited the attention of this Court to para 55 of the decision of Supreme Court in the case of ***Shakti Vahini Vs Union of India and ors reported in (2018) 7 SCC 192*** and has pointed out that in pursuance of the aforesaid judgment, the Government of Maharashtra has issued a circular dated 18/12/2024 prescribing the safe houses, in the State of Maharashtra. It is further submitted that 'Ravi Bhavan' in the City of Nagpur has been prescribed as a safe houses. It is, therefore, submitted that taking into account the threat perception to the petitioner as well as to respondent No.4, they be provided police protection so that they can reach safe house and be permitted to stay in safe house for an initial period of three months.

Factual submissions :

7. We have heard the learned counsel appearing for the respective parties and have perused the record. The detenu, namely Akansha is major and has married to the petitioner on her own accord, who is having his own business. In her interaction with this Court, she has expressed that she wants to join the matrimonial home and wants to reside with the petitioner. In the judgment of ***Shakti Vahini Vs Union of India and ors*** (supra) in paragraph No.55.2.3 the Hon'ble Apex Court had directed that immediate steps should be taken to provide security to the couple/family and if necessary, to remove them to a safe house within the same District or elsewhere keeping in mind their safety and threat perception.

8. In compliance of the directions contained in the aforesaid order, the State of Maharashtra has issued a circular on 18/12/2024, by which 'Ravi Bhavan' has been prescribed as safe house in the city of Nagpur.

09. The learned Additional Public Prosecutor states that the petitioner and respondent No.4 shall be escorted to safe house i.e. 'Ravi Bhavan' from this Court by the team of police officers and thereafter, they shall be permitted to stay in the aforesaid safe house initially for a period of three months.

10. Learned counsel appearing for the respondent Nos.4 and 5 states that he has advised respondent No.5 not to interfere in the lives of the petitioner and respondent No.4.

11. The aforesaid submission made by the learned Additional Public Prosecutor is taken on record. Respondent No.4 is a major and she is set forth at liberty and is permitted to accompany the petitioner. During their stay, in the aforesaid safe house, it will be open to Commissioner of Police to form an opinion with regard to the safety of the petitioner and respondent No.4 as well as threat perception to them and thereafter to take an appropriate decision with regard to their stay in the safe house. Needless to state that in case, there is no threat, perception to the petitioner and respondent No.4, they shall be permitted to leave the safe house on submission of a written consent duly signed by the petitioner as well as respondent No.4.

12. Needless to state that the respondents shall be under an obligation to take preventive steps as indicated by the Supreme Court in the case of *Shakti Vahini Vs Union of India and ors* (supra).

13. In the result, Writ Petition stands disposed of.

14. Steno copy of this order be supplied to the parties.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)