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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 5445 of 2021

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HITENDRAKUMAR RANCHHODJI THAKORE

Versus

STATE OF GUJARAT

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Appearance:

MR JIGAR G GADHAVI(5613) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3,4,5,6

Mr. Ronak Raval Addl.PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE R.M.CHHAYA

and

HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 24/06/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE R.M.CHHAYA)

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for writ of habeas corpus directing the respondents to produce Corpus- Rinkuben D/o Baldevbai Chaudhary before this Court and also prayed to set her at liberty.

By an order dated 14.06.2021 this Court was pleased to issue notice and make it returnable on 28.06.2021.

Mr. Ronak Raval, learned Additional Public Prosecutor mentioned the matter today before us and informed that the Corpus - Rinkuben has been traced and is to be produced before this Court through Video Conference from the Chamber of Mr. R.R. Mistry, Principal Senior Civil Judge, Deodar. Hence, matter is

listed today before us.

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Corpus - Rinkuben is born on 14.4.1995 as informed by her and is working as a Nurse in nearby Taluka. We have interacted with the Corpus -Rinkuben who is 26 years old and she has expressed her desire to join the petitioner. Corpus Rinkuben has also informed the Court that Corpus married with the petitioner who is doctor by profession in the year 2017 and thereafter as the said relationship was not approved by the family members of the corpus, she has taken mutual divorce by way of an agreement. Corpus has expressed her desire to again reunite with the petitioner.

Considering the wish of the corpus- Rinkuben who is admittedly major, corpus - Rinkuben is permitted to join the petitioner and live her own life as per her own wish. As per wish expressed by the corpus, we direct the respondent authorities to set free the corpus and permit her to join the petitioner. The police authority shall provide adequate security and drop the Corpus- Rinkuben at Village Tervada, Post: Kankrej, Dist. Banaskantha at the residential premises of the petitioner- Hitendrakumar Thakore. The police authority shall file report to the said effect before this Court in this proceedings through learned Additional Public Prosecutor. Corpus Rinkuben is permitted to act as per her own wish expressed before us. Petition is thus allowed to the aforesaid extent. However,

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there shall be no order as to costs. The service rendered by Mr. R.R. Mistry, Principal Senior Civil Judge, Deodar is appreciated. He has helped this Court in interacting with the Corpus immensely.

(R.M.CHHAYA, J)

(NIRZAR S. DESAI, J)

KAUSHIK J. RATHOD

