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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL WRIT PETITION NO.900 OF 2021

POOJA KUMARI @ BUNNY PRAJAPATI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Jadhav Satej S
APP for Respondent-State: Mr. Mahendra M. Nerlikar
.....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**
DATED : 24th AUGUST, 2021

PER COURT:-

1. We have heard Mr. Jadhav, learned counsel for the petitioner for some time.
2. We find that the facts of the present case are very peculiar. The petitioner is transgender person now known as Pooja Kumari @ Bunny Prajapati. The missing girl is also known by name Pooja and she is normal girl. Learned counsel submits that the missing girl has joined the company of the petitioner voluntarily and they were in love with each other. The proceeding with regard to the missing girl and the present petitioner initiated in the court of Chief Judicial Magistrate, Kota (Rajasthan). Respondent Nos. 2 and 3 are the parents of said missing girl Pooja. Respondent Nos. 2 and 3 have also lodged missing report at Washi police station, District Osmanabad. Learned counsel submits that though the missing girl was traced out and brought to Osmanabad in connection with the

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said missing report, the investigating officer without there being any order of the Court has handed over the custody of the girl to the parents. Learned counsel submits that the missing girl now is in the custody of her parents. Though the missing girl is frequently messaging the petitioner, respondent Nos. 2 and 3 i.e. the parents of missing girl are not allowing the missing girl to meet the petitioner. Learned counsel submits that the said missing girl is major and she has been illegally detained by her parents.

3. We request learned A.P.P. to take specific instructions in this regard and also to call papers before we proceed further in the matter.

4. Learned counsel for the petitioner also seeks time to place before us the judgment of Supreme Court in the case of ***Navtej Singh Johar vs. Union of India, reported in (2018) 10 SCC 1***, wherein the Supreme Court has considered the social status of transgender person and also the normal person, if residing with the transgender person, by consent.

5. Stand over to 31.08.2021.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

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