

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 893 of 2022**

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HITESHKUMAR NILESHBHAI PRAJAPATI  
Versus  
STATE OF GUJARAT

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Appearance:

MR DARSHIT H RAVAL(11887) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3,4,5,6,7,8

MS JIRGA JHAVERI, ADDL. PUBLIC PROSECUTOR for the Respondent(s)  
No. 1

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CORAM:**HONOURABLE MS. JUSTICE SONIA GOKANI**  
and  
**HONOURABLE MRS. JUSTICE MAUNA M. BHATT**

Date : 07/02/2022

**ORAL ORDER**  
**(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. This is a petition under Article 226 of the Constitution of India seeking writ of habeas corpus where on 28.01.2022 this Court passed the following order:-

*"1. This is a petition preferred with the following prayers:-*

*"(8) The petitioner therefore prays that:*

*(A) Be pleased to grant this petition.*

*(B) Be pleased to direct the respondent no.2 to produce the corpus namely "Jayaben Maheshbhai Shrimali" before this Hon'ble Court.*

*(C) Be pleased to pass any such or further order/s as it may deem fit by this Hon'ble Court."*

2. The Court on 24.01.2022 passed the following order:-

*"Considering the manner of pleadings in this petition, learned advocate Mr. Raval for the applicant seeks two to three days' time to permit*

*him to look into the same and revert back.*

*2. In the meantime, Ms. Jhaveri, learned Additional Public Prosecutor is requested to find out the well being of the girl without, at this stage, even admitting the petition.*

*3. Matter is posted on 27.01.2022."*

*3. This Court on 27.01.2022 passed the following order:-*

*"Considering the manner of pleadings in this petition, learned advocate Mr. Raval for the applicant seeks two to three days' time to permit him to look into the same and revert back.*

*2. In the meantime, Ms. Jhaveri, learned Additional Public Prosecutor is requested to find out the well being of the girl without, at this stage, even admitting the petition.*

*3. Matter is posted on 27.01.2022."*

*4. Once having received the statement of the corpus, we directed the corpus to remain present before us through the Video Conferencing. She is presented today from District: Banaskantha in presence of Mr.R.R. Zimba, Full Time Secretary, District Legal Services Authority, Palanpur at Banaskantha. She has changed her statement completely. According to her, she was pressurized to state as the applicant has not completed 21 years and he will be completing it on 07.02.2022. She has gone to join him and he wants to marry her. According to her, mother since was unwell, she was pressurized to state somethings, which she never desired to state. Let her be housed at Women Protection Home, Palanpur at Banaskantha, as the petitioner is turning 21 years of age on 07.02.2022, she will be brought before this Court on 07.02.2022. Let a security be provided to her. Without her wish and will, nobody will be permitted to meet her.*

*5. Mr. R.R.Zimba, Full Time Secretary, District Legal Services Authority, shall speak to the Administrator and shall also ensure her safety. Her basic requirement shall be fulfilled by the Administrator. If need be so, they shall call for those basic requirements from her residence. Parents shall cooperate.*

*6. S.O. to 07.02.2022."*

2. Today, the corpus is brought before us through District Legal Services Authority, Banaskantha at Palanpur in presence of In-charge Full Time Secretary Mr. Ahir. The corpus has expressed her wish and will to join the petitioner – Hitesh who turned 21 years today. Hitesh is also present before us through video conference along with his advocate Mr. Darshit Raval. According to him, his family has accepted the corpus and he has completed his training in the Navy. He is expecting his posting by 28.02.2022. The corpus has some apprehension from the parents of hers.

3. Noticing the fact that today both the petitioner and corpus have become eligible to marry each other which they intend to do and as the corpus, who has completed 21 years 5 months back, is keen to join the petitioner, they will be on their own to decide about the marriage part of it which they can do it today also.

4. We have requested the In-charge Full Time Secretary Mr. Ahir to ensure that no difficulty is caused to both of them. Once they are married, her request for the original documents to be obtained from her parents and also from the college, we would assign this task to the Full Time Secretary to call her

parents and get the original certificates from them. Those which are to be obtained from the college, she can herself go as an adult and the college administration shall not object to it.

4.1. Any difficulty that may arise, the Superintendent of Police, Banaskantha shall ensure getting of those documents on a request to be sent through District Legal Services Authority, Banaskantha.

4.2. In the event of any threat or apprehension to the young couple, they will be at liberty to approach the Superintendent of Police, Banaskantha directly or to the Full Time Secretary, District Legal Services Authority, Banaskantha. The Chair Person, District Legal Services Authority, Banaskantha can also ensure that the Full Time Secretary, District Legal Services Authority, Banaskantha to act promptly and get in touch with the Superintendent of Police, Banaskantha or learned APP Ms. Jhaveri.

5. This petition is disposed of permitting the corpus to join the petitioner – Hitesh Prajapati.

**(SONIA GOKANI, J)**

**(MAUNA M. BHATT,J)**

Bhoomi