

(2012) 05 RAJ CK 0030

In the Rajasthan High Court

Case No : Civil Writ (Habeas Corpus) Petition No. 4600 of 2012

Om Prakash

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 22-05-2012

Acts Referred:

Citation : (2012) 2 WLN 616

Hon'ble Judges : Narendra Kumar Jain, J;Dinesh Maheshwari, J

Bench : Division Bench

Advocate : Sukesh Bhati, for the Appellant; K.R. Bishnoi, Government Counsel, for the Respondent

Judgement

Dinesh Maheshwari, J.—On the mention being made by the learned Government Counsel, the matter has been taken on board today.1. The petitioner - Shri Om Prakash is present in person with his counsel. Shri Arjun Singh, CO., Merta City District Nagaur is present in person alongwith Smt. Pana Devi, Lady Constable who have produced before us today the alleged detainee Ms. Anisha Sheikh.

2. Ms. Anisha Sheikh has made a categoric statement that she is 27 years of age and she has contacted marriage with the petitioner Om Prakash of her own accord and free will. She has further stated that at the time of entering into the marriage, she accepted the religion professed by the petitioner Om Prakash. She has expressed her desire to go with the petitioner. She has also pointed out that after marriage, she was called by her family members, particularly her mother and sister, and on their asking, she went to the parental house but then, she was not permitted to go out nor was permitted to have conversation with the petitioner on telephone and with difficulty, she sent a letter and made a phone call to the petitioner. She has categorically stated that she wants to live with the petitioner with whom she has contacted marriage.

3. After having conferred with Ms. Anisha Sheikh in camera and then in the presence of petitioner, his counsel, the Government Counsel and other police

personnels, we are satisfied that she is major in age and is capable of understanding her welfare. There does not appear any doubt that she wants to live with the petitioner.

4. She being major in age and being capable of making choice of her own accord, we are of opinion that she may be allowed to go to the destination of her choice. The CO. concerned shall ensure safe passage of Ms. Anisha Sheikh to the destination of her choice. No further orders being requisite in this petition for a writ of habeas corpus, it stands disposed of accordingly.