

(CNR No.: -MHSN06-002345-2018)
(The State of Maharashtra V/s. Sangita Nandu Gaikwad
@ Sangita Tanaji Gosavi)
ORDER BELOW EXHIBIT 136 IN REGULAR
CRIMINAL CASE No.218/2018
(Order dated 19/07/2019)

1. This application is filed by victim women. It is contended by the victims that, for more than one year they are in Shaskiya Ashakiran Mahila Vastigruh, Karad. They are ready to obey the orders of the court. They have also recorded their statements before the court. Some of them have stated that, they want to meet their children and parents. They also assuring that, they will never go to any illegal or illicit work. They will take care of themselves. Hence, they prayed for releasing them.

2. State has filed their say at Exhibit 137. As per state these victims are from West Bengal state and some of them are H.I.V. positive. They needs rehabilitation and treatment for their future. During rehabilitation in Shaskiya Ashakiran Mahila Vastigruh, Karad, there is no satisfactory record to say that institute trained courses them for their future livelihood. From their H.I.R. report it seems that, they needs counseling and rehabilitation. Thus, they may be chances that they may go for adopt again prostitution. Thus, the application may kindly be rejected.

3. Perused the application, say and documents and record. Heard both sides.

4. Upon perusal of record it seems that, victims are in Shaskiya Ashakiran Mahila Vastigruh, Karad for more than one year. Their statements are also recorded. Say of the State that, for rehabilitation and to prevent the victims from doing similar kind of offence, they should not be released and be detained in rehabilitation home.

5. On this ground, learned advocate for victims has relied upon order order passed in Criminal Writ Petition No.2050/2019 in which the Hon'ble Bombay High Court on 11th July, 2019 has held that, as per Article 19 of the Indian Constitution every citizen has right to move freely though out India. It is also observed by the Hon'ble Bombay High Court that, right to move from one place to another place, reside at the place of choice can be hampered by placing this victim in the corrective institution. Further, the Hon'ble Bombay High Court has released victim and set them at liberty from corrective institution. On perusal of the order of the Hon'ble High Court it reveals that in case cited supra victim were also sent to Shaskiya Mahila Rajya Gruh, Prerana Mahila Wasti Gruh, Baramati District: Pune. But, as restriction imposed upon victim by the order sending them to the corrective institute there is violation of Article 19 of the Indian Constitution. The fact of the case cited supra and in the present case are same.

6. From perusal of the record it seems that, Shaskiya Ashakiran Mahila Vastigruh, Karad has filed report that, they have trained victims for various courses. But, they have not filed in report about which courses they have taught victims. Through this application victims have satisfied that they were take care of them in future. It seems from the record all the victims are major. These victims also have constitutional rights including Article 19, thus they have right to move freely. Restrictions as contemplated under Article 19 of the Indian Constitution cannot be imposed unless they are reasonable. Thus, on relying the citation of the Hon'ble Bombay High Court it will be legal to set at liberty to release these victims from Shaskiya Ashakiran Mahila Vastigruh, Karad. Hence, for above discussion I proceed to pass following order.

ORDER

1. Application is allowed.
2. Victims Saraswati Goranga Das, Konika Tamal Bagadi, Suraiyyabibi Sharif Shaikh and Rina Minishkumar Sing are set at liberty and are released from Shaskiya Ashakiran Mahila Vastigruh, Karad.
3. Issue letter to Shaskiya Ashakiran Mahila Vastigruh, Karad.

Place: Miraj.
Date: 19/07/2019.

(Nilesh M. Wali)
J.M.F.C., Miraj

I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : S. P. Pethkar.
Court : Jt.C.J.J.D. & J.M.F.C., Miraj.
Judgment/Order signed by
the Presiding Officer on : 19/07/2019.
Judgment/Order uploaded on : 23/07/2019.