

# Pravin Manilal Thakker And Anr vs The State Of Maharashtra And Anr on 19 May, 2021

**Bench: S.J.Kathawalla, Surendra P. Tavade**

PA-Nitin Jagtap

1 / 7

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 1984 OF 2021

Pravin Thakker & Anr.  
Versus

...

Petitioners

The State of Maharashtra & Ors.

...

Respondents

Mr.Suresh M. Sabrad for the Petitioner.  
Mr.S.R.Shinde, PP for the State.

CORAM : S.J.KATHAWALLA, &  
SURENDRA P. TAVADE, JJ.

DATE : 19TH MAY, 2021  
(VACATION COURT THROUGH  
VIDEO CONFERENCING )

P.C. :

1. The above Writ Petition is filed by Petitioner No. 1 - Shri Pravin Manilal Thakker, father of Parth Pravin Thakkar ('Parth'), who is 27 years old and is a Chemical Engineer by profession and by his brother the Petitioner No. 2 - Shri Hasmukh Manilal Thakker, who is the father of Pranav Hasmukh Thakker ('Pranav'), who is 26 years old and is a qualified Chartered Accountant.

2. The reliefs sought by the Petitioners in the above Writ Petition are reproduced hereunder :

"(a) By an appropriate Writ, Order and direction, this Court be pleased to direct the Respondents to permit the Petitioners to transfer the sons of the Petitioners viz. Parth Pravin Thakker and PA-Nitin Jagtap 2 / 7 502-WP-1984-2021-FINAL.doc Pranav Hasmukh Thakker to the rehabilitation center by providing all necessary police protection.

(b) Pending the hearing and final disposal of the present Writ Petition, this Court be pleased to direct the Respondents to permit the Petitioners to transfer the sons of the Petitioners viz.

Part Pravin Thakker and Pranav Hasmukh Thakker to the rehabilitation center by providing all necessary police protection.

(c) Pending the hearing and final disposal of the present Writ Petition, this Court be pleased to direct the release of the sons of the Petitioners viz. Parth Pravin Thakker and Pranav Hasmukh Thakker on temporary bail so as to facilitate their transfer to the rehabilitation center on such terms and conditions, as this Court may deem fit and proper."

3. The Petitioners have submitted as follows :

3.1. Parth is a bright student who has completed his Bachelor of Engineering (Chemical Engineering Branch) in May, 2016. After completing the Bachelor Degree, he took admission for the Master's Course. He was also elected as an Associate Member of the Indian Institute of Chemical Engineers and thereafter passed his Degree of Master of Technology (Chemical Engineering) on 24 th November, 2018.

Being good at sports, he was part of the Sport's Committee during his Engineering College days. The certificates received by Parth acknowledging his achievements are annexed and marked as Exhibit-A, collectively to the above Writ Petition. 3.2. Pranav also had a bright academic career, and whilst pursuing the Bachelor of Commerce Course, he was also doing Articleship for the purpose of PA-Nitin Jagtap 3 / 7 502-WP-1984-2021-FINAL.doc pursuing his ambition to become a Chartered Accountant. He did his Articleship with a renowned firm - Deloitte Haskins & Sells LLP. Thereafter, he passed his Bachelor of Commerce examination from the University of Mumbai with 'A' Grade in the examination held in March, 2016. He then passed his final examination of Chartered Accountant in the month of May, 2017, after which he was enrolled as a Member by the Institute of Chartered Accountants of India on 31 st January, 2018 and was also issued the Certificate of Practice.

3.3. The parents of Parth and Pranav were in contact with a lady by the name

- Nehal Laxman Patel ('the said lady'), who posed as an Astrologer. She used to conduct Yoga sessions and would also impart spiritual knowledge. They therefore introduced their sons - Parth and Pranav to the said lady with an intention that with her spiritual preaching Parth and Pranav would be more focused on their education and work.

3.4. In view of the close relations of the family members of the Petitioners with the said lady, she took undue advantage of the same by taking huge amounts of money as hand loan not only from the Petitioners family members but also from other close family members and friends of the Petitioners.

3.5. The Petitioners later learnt that the said lady had taken money from several persons and by posing as an Astrologer, she was hypnotizing not only Parth and Pranav but also other persons from whom she had taken money. The Petitioners after realizing that the said lady had dishonest intentions severed ties with her, but PA-Nitin Jagtap 4 / 7 502-WP-1984-2021-FINAL.doc Parth and Pranav remained under her control and would only listen to her. They fought with their parents and ultimately left their house and started staying with the said lady since the last more than one year.

3.6. The Petitioners were shocked and surprised to later learn that not only Parth and Pranav, but several other persons of their age group were under the control of the said lady and all of them would only listen to her and follow her instructions. 3.7. Thereafter, the Petitioners were shocked to learn that Parth and Pranav and other persons residing with the said lady took to vices and had become chain smokers and were under the influence of narcotics substance i.e. Ganja. 3.8. Immediately after Parth and Pranav left the house, the Petitioners had gone to bring them back. However, the said lady and her supporters quarreled with the parents and threatened them with dire consequences and did not permit them to even speak to Parth and Pranav.

3.9. The Petitioners and their family members, as well as their friends from whom the said lady had taken money, filed a complaint with the Wadala Police Station, Mumbai, within whose jurisdiction she was residing. In the said complaint, all the aforesaid facts were pointed out, including the fact relating to the consumption and possession of the narcotic substance. However, the concerned police station did not take any action.

3.10. The Petitioners learnt that even the parents of the said lady, as well as her brother have completely disowned the said lady by publishing a notice in the PA-Nitin Jagtap 5 / 7 502-WP-1984-2021-FINAL.doc newspaper pointing out to the public at large that they did not have any connection whatsoever with her, nor are they associated with her. In fact the complaint that was forwarded by the Petitioners to Wadala Police Station, Mumbai, was also signed by the brother of the said lady. Copies of the said complaints are annexed and marked as Exhibit-C, collectively to the above Writ Petition.

3.11. The Petitioners thereafter learnt that the said lady along with Parth and Pranav and others had shifted to Neelkanth Woods at Thane. Even at Thane, the Petitioners tried to contact Parth and Pranav, but the security personnel of the said Society, on instructions of the said lady did not permit the Petitioners to meet them. 3.12. On 1st February, 2021, the Petitioner No. 1 made a complaint to the Additional Commissioner of Police (Crime) against the said lady and also pointed out the facts narrated hereinabove. The copy of the said complaint is annexed and marked as Exhibit-E to the above Writ Petition.

3.13. The Petitioners were shocked and surprised when they received a call from the Crime Unit-5, Waghle Estate Crime Branch, Thane, that they had conducted a raid at Neelkanth Woods and in the said raid they found Parth and Pranav along with said lady and that an offence is registered vide CR No. 81 of 2021 under Section 8(C), 22 (A) and 29 of the NDPS Act, 1985 ('the Act,).

3.14. Parth and Pranav along with the said lady came to be arrested on 6 th April, 2021. Thereafter, they were produced before the Magistrate on 7 th April, 2021 for remand and were remanded to police custody till 9 th April, 2021. On 9th April, PA-Nitin Jagtap 6 / 7 502-WP-1984-2021-FINAL.doc 2021, Parth and Pranav along with the said lady were produced before the Magistrate and remanded in magistrate custody. Parth and Pranav along with the said lady preferred Application No. 1325 of 2021 seeking bail. The prosecution filed their reply opposing the bail. The Special Judge (NDPS), Thane, vide his Order dated 12 th May, 2021 rejected the bail application.

3.15. Parth and Pranav have preferred the Bail Application before this Court, which is pending.

4. The learned Advocate appearing for the Petitioners has submitted that Parth and Pranav are well educated and have a bright future. The said lady is the main accused in CR No. 81 of 2021, who has trapped Parth and Pranav by her black magic and hypnotizing tricks and ruined their life. The Petitioners who are interested in the welfare and well-being of Parth and Pranav are desirous of admitting them in rehabilitation centers so that they would be treated for their addiction, complete detoxification and counseling. The Petitioners have also looked out for such rehabilitation center and made necessary arrangements. The Petitioners are praying for intervention of this Court for the purpose of admitting Parth and Pranav in the rehabilitation center by issuing directions to the Respondents herein, as more particularly prayed in the above Writ Petition.

5. It is also submitted by the Petitioners that the alleged seizure of the contraband article is 14.9 grams which is much below the smaller quantity as defined under Clause 2 (xxiia) of the Act and also much below the commercial quantity as PA-Nitin Jagtap 7 / 7 502-WP-1984-2021-FINAL.doc defined under Clause 2 (viiia) of the Act and as specified by the Central Government in the Official Gazettee. The smaller quantity as per the notification of the Central Government is 100 grams. It is also submitted that Parth and Pranav have no criminal antecedents and in view of them being in the company of the said lady, have been addicted to vices.

6. In such circumstances, the Petitioners are constrained to approach this Court to protect the interest, welfare and well-being of Parth and Pranav as and by way of the above Writ Petition.

7. We have considered the facts set out hereinabove. Parth and Pranav are very well educated young boys. In order to save their career from being further destroyed, the Court ought to consider lending all necessary assistance for the purpose of rehabilitating them. However, we are of the view that the Bail Application filed by Parth and Pranav should be heard and disposed of at the earliest. We grant liberty to the Petitioner / their sons, to move the Learned Single Judge of this Court before whom their Bail Application is pending and we make a request to the Learned Single Judge to dispose of the Bail Application at the earliest but strictly on merits.

8. Place the above Writ Petition on Board on 7th June, 2021.

( SURENDRA P. TAVADE, J. )

( S.J.KATHAWALLA, J. )