

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO.3463 OF 2013**  
**WITH**  
**CRIMINAL APPLICATION NO.119 OF 2015**

Shila Shivshankar Yadav & Anr. ..Petitioners.  
Versus  
The State of Maharashtra & Ors. ..Respondents.

Mr. K.R.Tiwari, advocate for petitioners/applicants.  
Ms. Prabha U. Badadare, advocate for respondent nos.4 to 6.  
Mr. P.R.Arjunwadkar, advocate for respondent no.7.

Coram : RANJIT MORE &  
R.G.KETKAR, JJ.  
Date : **2<sup>nd</sup> September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2            This petition is filed seeking writ of *Habeas Corpus* directing respondent nos.1 to 3 to produce minor son Master Jayesh from the illegal custody of respondent nos.4 to 6 before this Court. Criminal Application No.119 of 2015 is filed for the grant of access to petitioners to meet Master Jayesh twice a week.

3                Record reveals that initially by order dated 21.11.2013 respondent nos.7 and 8 were directed to produce Master Jayesh before the Court on 26.11.2013. Respondent nos.7 and 8 produced the minor child before the Court. Custody of the child thereafter remained for sometime with the respondent nos.7 and 8.

4                Ms. Badadare, the learned counsel for respondent nos.4 to 6 makes a statement that respondent nos.4 to 6 were thereafter released on bail and custody of the said child at present is with respondent nos.4 to 6 who are father and grand parents of Master Jayesh. Petitioners are maternal grand parents of Master Jayesh. Mother of Master Jayesh died. Petitioners claim that she is murdered by respondent nos.4 to 6. Case of respondent nos.4 to 6, on the contrary, is that mother of Master Jayesh died an accidental death. Respondent nos.4 to 6, however, are facing the trial for the offence punishable under Section 306 of the Indian Penal Code, 1860 i.e. abetment to suicide.

5                Respondent no.4 is the natural guardian of Master Jayesh. Custody of child is with him. This fact is not disputed by

petitioners in-as-much as they seek access of Master Jayesh by preferring separate application. Since Master Jayesh was produced before the Court , petitioners' prayer for writ of Habeas Corpus is worked out. If the petitioners have grievance or any claim in regard to the custody or access of Master Jayesh, they are always at liberty to file appropriate application before the appropriate authority.

6                      Subject to above writ petition and the above criminal application stand disposed of.

**[R.G.KETKAR, J.]**

**[RANJIT MORE, J.]**

**Certified to be true and correct copy of the original signed judgment/order.**