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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1026 OF 2019

Smt.Shantabai Suresh Pawar] ..Petitioner.

v.

The State of Maharashtra & Ors.] ..Respondents.

Mr.Suresh Sabrad i/by Mr.Amey C. Sawant, for the Petitioner.

Mr.Pankaj Pandey, for Respondent No.5.

Mr.H.J. Dedhia, APP for the State.

**CORAM : INDRAJIT MAHANTY &
A.M. BADAR, JJ.**

DATE : 25th MARCH, 2019.

P.C.

1] Heard learned counsel for the respective parties. Learned counsel for the Petitioner submits that apart from filing the present Writ Petition of habeas corpus, a Civil Miscellaneous Application has also been filed by the Petitioner seeking custody of the children, under the Guardians and the Wards Act, 1890 and the said proceeding is pending before the District and Sessions Judge, Thane.

2] Learned counsel for Respondent No.5 submits that bail has been granted to Aasha Sanjay Kale- Respondent No.5 and she has taken custody of her children from the Petitioner and she records her appreciation of the support by the Petitioner to the children during the period of her detention. He also submits that Respondent No.5-Aasha Sanjay Kale, being mother is a

natural guardian and she also undertakes to look after the welfare of her children as well as their education. He also submits that respondent No.5 resides with her brother at Flat No.203, Gala NO.05, Deep Galaxy, Kulswamini Mandir Road, Diva (West), Thane and she would try and undertake an employment for supporting education of her children.

3] In view of the aforesaid fact, we are of the considered view that no further direction can be issued in the Writ of Habeas Corpus. The Petitioner is at liberty to proceed with the matter under the Guardians and the Wards Act, 1890. We make it clear that nothing stated herein shall influence the said proceedings. Accordingly, Writ Petition No.1026 of 2019 stands disposed off.

(A.M. BADAR, J)

(INDRAJIT MAHANTY, J)