

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3329 OF 2021

Sandesh Madhukar Bhogle .. Petitioner
v/s.
The State of Maharashtra & Anr. .. Respondents

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Ms. Pramila Salvi, for the Petitioner.

Ms. M.H. Mhatre, APP, for Respondent No.1.

Mr. Suraj Ghagare, i/b. Suchita Bhogle, for Respondent No.2.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 4 OCTOBER 2021.

P.C:-

By this petition, the Petitioner, father of the girl, who is 8 years old, is seeking a writ of Habeas Corpus to produce the child in this Court and handover the custody of the child to the Petitioner.

2. It is an admitted position that the Petitioner and Respondent No.2, husband, and wife, have been divorced and currently the child is with her mother, Respondent No.2.

3. Having heard the learned Counsel for the Petitioner and

perused the record, we do not find that the custody of the child with Respondent No.2 can be considered as an illegal custody. The Petitioner has already moved the Family Court for seeking visitation rights and custody of the child. Since in those proceedings, the Petitioner can seek all the reliefs this Petitioner can seek by way of this writ petition, we do not intend to exercise the writ jurisdiction by issuing Habeas Corpus.

4. Keeping all rights and contentions of the Petitioner open before the the Family Court, we dispose of the writ petition.

5. Learned Counsel for Respondent No2 states that the address of Respondent No.2 will be supplied to the Advocate for the Petitioner during the course of the day. His undertaking is accepted.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)