

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.995 OF 2023

**SUVARNA W/O NILESH JAGDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Zia Ul Mustafa, Advocate for petitioner
Mr.R.V.Dasalkar, APP for respondent nos.1 to 5 and 12
Mr.Samir S. Shaikh, Advocate for respondent nos.7 and 8

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : AUGUST 03, 2023**

ORDER :-

The child has been brought before this Court. Her father has also been produced from jail. His ex-wife (petitioner/child's mother) is also before us. It appears that the father had taken custody of the child unauthorisedly, inspite of there have been directions of the Court for giving the child into the custody of the mother. Based on the FIR registered against the father and his brother, for kidnapping of his own child, the father came to be arrested. The brother is said to have filed an application for anticipatory bail.

2. A temporary arrangement, with the consent of the parties, has now been arrived at. It has now been agreed that the child is to be given in the custody of the father for today, till 04:00 p.m. Thereafter, the child shall be given into the custody of the mother (petitioner).

3. The petitioner - ex-wife agreed to allow the father of the child to talk with the child everyday between 07.00 p.m. and 08.00 p.m., through Video Call on cell phone No.9370593121 (mobile number of petitioner/mother of child). It has also been agreed between the parties that the father of the child would have access to the child once a week for one hour, between 12.00 noon and 01.00 p.m., at Shahada Police Station. This arrangement to continue until further orders or till the father gets visiting rights or even custody of the child, if any, from the competent Civil Court.

4. The petitioner has also agreed to give 'no-objection' to grant bail to the father of the child, i.e. ex-husband of the petitioner, and his brother in the crime registered against them for kidnapping of the child.

5. Learned counsel for the father and the brother may rely on this order in the Bail Application/Anticipatory Bail Application, if any. Hopefully, they may be granted bail by the courts concern.

6. The petitioner (mother of child) is at liberty to move this Court for withdrawal of this order regarding access to the child by its father. Needless to mention, if any ground is made out, the order may be recalled.

7. In view of the above, the petition stands disposed of.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP