



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 297 OF 2023

Bhushan Kadam

...Petitioner

Versus

1. The State of Maharashtra
2. Senior Incharge, Kalyan Police Station
3. Mayuri Vithal Bhandari

....Respondents

Ms. Rimpal Trivedi a/w Ms. Harshida Bhansali for the petitioner
Mrs. P. P. Shinde, APP for the State
Mr. Rahul S. Kadam a/w Ms. Rashi Sheth for respondent no. 3

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 23rd AUGUST 2023

P.C. :

1. By this petition, the petitioner seeks a writ of Habeas Corpus directing the respondent nos. 1 and 2 to investigate and report the whereabouts of the petitioner's minor son Shreyansh and, upon locating the said whereabouts, produce Shreyansh before this Court. Petitioner is the father of Shreyansh and ex-husband of respondent no. 3.

2. Pursuant to our order dated 23rd June 2023, respondent no. 3 was present before us, along with Shreyansh, on 3rd July 2023. By a reasoned order dated 3rd July 2023, we had recorded prima facie finding that respondent no. 3 had illegally detained Shreyansh at Udupi in breach of terms of the consent decree dated 24th November 2022 passed by the 6th Joint Civil Judge (Senior Division), Thane, in Marriage Petition No. 606 of 2018 between the petitioner and respondent no. 3. Considering the paramount interest and welfare of Shreyansh, we had granted temporary custody of Shreyansh to the petitioner for a few days and kept the matter pending for further consideration. Pursuant to our order dated 3rd July 2023, Shreyansh had stayed with the petitioner from 3rd July 2023 till 6th July 2023 and subsequently, by order dated 6th July 2023, Shreyansh continued to stay with the petitioner till 8th July 2023.

3. We are informed that thereafter, the custody of Shreyansh was handed over to respondent no. 3, and presently, Shreyansh is residing with respondent no. 3. Today, respondent no. 3 is present before us. Learned counsel for the respondent no. 3 on instructions submitted

that the petitioner is granted video access to talk to Shreyansh. Learned counsel for the respondent no. 3 on instructions further submitted that the respondent no. 3 is agreeable to giving video access to the petitioner to talk to Shreyansh every Sunday during the day for an hour and every Wednesday in the evening for 30 mins. Learned counsel for the petitioner on instructions states that the petitioner is agreeable to such video access. Both the learned counsel submitted that the said arrangement for video access is agreeable to the parties without prejudice to their rights and contentions, and they shall adopt appropriate proceedings in the appropriate Court for any further directions regarding the custody of Shreyansh.

4. Respondent no. 3, who is present in the Court, has furnished her following address for correspondence.

Bhandary house, Flat No. 303,
4th Floor, Radhma residency,
Gardimajal, Udupi – 576105.

5. Respondent no. 3 submitted that the said address will be available for all purposes, including service of notice. In view of the

aforesaid, nothing survives in the petition. Hence, the petition is disposed of.

6. It is made clear that the aforesaid temporary arrangement regarding video access to the petitioner shall continue till appropriate orders are passed by the appropriate Court regarding custody/access of Shreyansh.

GAURI GODSE, J.

REVATI MOHITE DERE, J.