

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 696 OF 2024**

Mrs. Sana Aziz Naik

... Petitioner

V/s.

The Commissioner of Police

Commissionere Office,

Craford Market, Mumbai & Ors.

... Respondents

Mr. Mateen Shaikh a/w Ms. Muskan Shaikh, Mr. Arshad Shaikh, Afrin Khan and Razique Shaikh for Petitioner.

Ms. A.A. Takalkar, A.P.P. for Respondent-State.

Ms. Rimpal Trivedi a/w Ms. Harshida Bhanushali and Mr. Hardik Gajra for Respondent No.5.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 3rd APRIL 2024

P.C. :

1) As recorded in Order dated 28th March 2024, Respondent No.5, i.e. the father of child, namely Master 'M.H.' has handed over his custody to Petitioner.

2) Learned Advocate for the respective parties submitted that, in pursuance of the interim arrangement made by Order dated 28th March, 2024, Respondent No.5 is regularly availing the visitation rights and meeting the child regularly.

3) In view thereof, the present Petition for *habeas corpus* has been worked out.

4) Record indicates that, the Respondent No.5 has already filed Petition bearing No.D/31/2024 before the Family Court at Belapur, Navi Mumbai, for custody of the minor child Master 'M.H.' and the same is pending for final adjudication.

5) Till the said Petition is decided, with consent of parties, the interim arrangement prescribed vide Order dated 28th March 2024, is modified as follows :

4.1) As per agreement between parties in the Court, Respondent No.5 will pick up the child namely Master 'M.H.' from the precincts of residence of the Petitioner mentioned in the cause title of the Petition at 5.00 pm and will handover custody of the child to the Petitioner at about 8.00 pm on the same day at the same place.

4.2) Petitioner shall bring the child at gate of her residential complex/building at about 5.00 pm and handover custody of the child to Respondent No.5.

4.3) Respondent No.5 shall bring back said child i.e. Master 'M.H.' at 8.00 pm at gate of residential complex/building of the Petitioner and handover him to the Petitioner only.

- 4.4) The mother of Respondent No.5, i.e. grandmother of Master 'M.H.', is entitled to meet Master 'M.H.' during the said period, whenever she desires.
- 4.5) It is made clear that, other relatives of the Respondent No.5 shall not meet Master 'M.H.', during the present interim arrangement.
- 6) Petition is disposed off in the aforesaid terms.
- 7) Petitioner and / or Respondent No.5 are at liberty to file necessary application(s) as may be permissible in law, for appropriate relief(s), in the Petition bearing No.D/31/2024 pending before the Family Court at Belapur, Navi Mumbai.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
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