

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1880 OF 2024

Vanitha Ashok Shetty & Anr.

.. Petitioners

vs.

Saritha Sunil Rao & Ors.

.. Respondents

Mr. D. S. Mhaispurkar with Mr. H. K. Sudhakara for the Petitioners.

Mrs. M. M. Deshmukh Addl. P.P. for the Respondent-State.

Mr. Kumar Tolani for Respondent No.1.

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

DATE : 9th MAY 2024

P. C.:-

1) By the present Petition, the daughters of Mr. Annayya Kotian have prayed for a writ of *habeas corpus* of said Mr. Annayya Kotian. It is the allegation of the Petitioners that, the Respondent No.1, who is their real sister, has wrongly confined Mr. Annayya Kotian at the address of Respondent No.1 mentioned in the cause title and the Petitioners are not permitted to meet him.

2) Mr. Tolani, learned Advocate waives notice on behalf of Respondent No.1 and submitted that, said corpus namely Mr. Annayya Kotian is residing with the Respondent No.1 at his free Will. That, on an earlier occasion when the Petitioners had been to house of the Respondent No.1, some unpleasant incident and bickering took place and therefore the

HEMANT
CHANDERSEN
SHIV

Digitally signed by
HEMANT
CHANDERSEN SHIV
Date: 2024.05.14
12:50:03 +0530

Petitioner No.2 has filed Crime bearing No.472 of 2023, dated 17th August 2023, with Malad Police Station, Mumbai. He therefore suggested that, let the Petitioners be permitted to meet their father in presence of Court appointed Commissioner or a woman Police Officer. We find that the suggestion of learned Advocate for the Respondent No.1 is acceptable.

3) In view thereof, we direct the Senior Inspector of Police, Malad Police Station, Mumbai to depute a Woman Police Sub-Inspector along with a Woman Police Constable at the place of Respondent No.1 on 15th May 2024, from 11 am along with Petitioners to enable the Petitioners to meet their father. The petitioners shall leave the place of Respondent No.1 at 1.00 pm without delay under any pretext.

3.1) The Woman Police Sub-Inspector so deputed shall take care that peace and tranquility at the place of Respondent No.1 will be maintained by all persons and no untoward incident occurs.

3.2) It is expected from the Petitioners so also from the Respondent No.1 to cooperate with said Woman Police Sub-Inspector so deputed.

4) If on 15th May 2024, visit at the place of Respondent No.1, where Mr.Annayya Kotian is residing, happens in peaceful manner, in that event, the Petitioners are further permitted to meet their father on 17th May 2024 from 11 am to 1pm. The Senior Inspector of Police, Malad Police Station, Mumbai to depute a Woman Sub-Inspector along with a Woman

Police Constable at the place of Respondent No.1 also on 17th May 2024.

5) Stand over to 12th June 2024.

5.1) To be listed under the caption 'for directions'.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)