

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

**INTERIM APPLICATION NO. 2483 OF 2024
IN
WRIT PETITION NO.2364 OF 2024**

Pernia Sahil Gilani
Nee Pernia Moin Qureshi .. Applicant

In the matter of

Sahil Raju Gilani .. Petitioner

Versus

1.The State of Maharashtra
Through the Public Prosecutor

2. Pernia Sahil Gilani
Nee Pernia Moin Qureshi .. Respondents

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Mr.Harish Salve, Senior Counsel a/w. Mr.Prabhjit Jauhar a/w Ms Pooja Jalan and Ms Mayuri Donwalkar i/b Pooja Jalan, for the Applicant.

Mr.Aabad Ponda, Senior Counsel a/w Mr. Chetan Kapadia, Senior Advocate, Mr. Parimal Shroff, Mr.D.V. Deokar, Mr. Sachin Pandey, Mr. Saurav Mehta and Vidhis'a Rohira i/b. Fazaa Shroff Garg, Advocate for the Petitioner.

Ms S. S. Kaushik, APP, for the Respondent No. 1-State.

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***CORAM : BHARATI DANGRE &
MANJUSA DESHPANDE, JJ.***

DATED : 11th JULY 2024.

P.C. :

1 On hearing respective Senior Counsels, a *via media* has been evolved for the time being.

It is agreed that the father shall be permitted to have access to the child by visiting the place where the mother is presently residing in New Delhi, and shall avail the access of the child for minimum 2 hours with the maximum limit of 4 hours. We do not intend to give any fixed time for availing the access considering the young age of the child, and the fact that there cannot be fixed timing of her naps and other daily chores. Subject to this, upon an intimation being received by the father from the mother on telephone, they shall immediately visit and avail the access. During the visit and availing of the access, it is made clear that neither of the parties shall take photograph or video-graph the meeting. Since it is informed that the father will be accompanied by his parents and sister, the access shall be permitted to them also.

2 As a long term solution, we would request the parties with the assistance of their respective counsels to work out a *via media* so that keeping in mind the child as the focus, and though it is informed that as far as the discord between the spouse is concerned, it is at present, for mediation before the Delhi High Court, depending upon the stage of the settlement, which the parties shall reach on the next date, we deem it appropriate to list the proceedings for hearing on **2nd August, 2024 at 02:00 p.m., in Chamber.**

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)