

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.634 OF 2025

Pooja Abhijit Dhanashetty
@ Pooja Suresh Shinde

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

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Mr.Prashant Pandey a/w Ms.Ridhima Mangaonkar, Mr.Dinesh Jadhawani, Mr.Pramod Sharma, Ms.Krishma Joshi i/b. W Three Legal LLP–Advocates for Petitioner.

Smt.M.M.Deshmukh–APP for Respondent Nos.1-3–State.

Mr.Vikas Shivarkar–Advocate for Respondent Nos.4-6.

CORAM : SARANG V. KOTWAL &
S.M.MODAK, JJ.

DATE : 27th JANUARY 2025

PC. :

1. This is a *Habeas Corpus Petition* filed by the mother of two children aged three years and four years. The elder child is daughter aged four years. According to the learned counsel for the Respondent Nos.4 to 6, she is suffering from ailment which requires constant medical attention, medication and visit to doctor. She is undergoing the treatment under the care of medical practitioner in Pune.

2. Considering these submissions, we want to be sure about the health condition of the child before passing any further order. Therefore, we are issuing directions to the Police Officers to contact the Respondent Nos.4 to 6 and the medical practitioner who is treating the child. The Police Officers shall submit a report of the medical practitioner before we can form our opinion and can pass further orders.

3. Today, what we are considering is, the health issue of the child. Therefore, at this stage, we are not inclined to pass any order which would entail the travel of the child from Pune to Mumbai, unless we are satisfied with her health condition and that, she is able to undergo the journey from Pune to Mumbai.

4. Since, we are adjourning the matter for calling a report, we thought of giving access to the mother and we put this suggestion to the learned counsel for the Petitioner. Today, our only anxiety is, about the child's health. Till a report was submitted before the Court, we wanted to be sure about the child's situation and her capacity to travel to Mumbai from Pune. Therefore, we were inclined to give access to the Petitioner for sufficient period uninterrupted by the

Respondent Nos.4 to 6 at Pune. However, this suggestion was not acceptable to the learned counsel for the Petitioner who took instructions from the Petitioner. According to him, in the past, when such an arrangement was made, there was a case registered against the Petitioner's parents for extortion. He submitted, that because of that pressure, the Petitioner's father had suffered heart attack and therefore, the Petitioner is not inclined to go to Pune to see her children. Learned counsel for the Respondent Nos.4 to 6 disputed this submission of learned counsel for the Petitioner.

5. In this view of the matter, today, we are not passing any order regarding an access of children to the Petitioner. However, her reluctance to that access, at this stage, shall not come in her way. Further orders can be passed only after perusing a report of the medical practitioner.

6. Learned counsel submitted, that the Petitioner is appearing for her examination between 11th February 2025 to 18th February 2025.

7. Therefore, we are posting this matter beyond that date. Hence, following order:-

O R D E R

- (i) The Police Officers of Ghatkopar Police Station shall visit the medical practitioner at Pune where the girl child of the Petitioner is taking medical treatment.
- (ii) The Police Officers shall obtain a report from the said medical practitioner and submit it to the Court in respect of the exact ailment which the child is suffering from and the nature of medical treatment given to her by that medical practitioner.
- (iii) The report shall also mention, whether she can carry out her daily activities and whether, she can undertake the journey from Pune to Mumbai. The report shall be submitted to the Court before the next date of hearing.

8. The Petition be listed for further consideration on **25th February 2025.**

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)