

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

**CRIMINAL WRIT PETITION NO.834 OF 2025**

Rohan Prakash Dasadia

.... Petitioner

versus

The State of Maharashtra & Ors.

.... Respondents

.....

- Mr. Aabad Ponda, Senior Counsel a/w. Mrs. Mrunali Deshmukh a/w. Samsheer Garud, Namrata Jayakar, Ms. Dhwan Parekh Mr. Atharva Gade i/b. Jayakar & Partners, Advocates for Petitioner.
- Mr. S.V. Gavand, APP for the State/Respondent.
- Ms. Kanchan Talreja a/w. Prashant Mairale a/w. Palak Bindal a/w. Varsha Gangwane for Respondent Nos.2 to 5

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

**DATE : 6 FEBRUARY, 2025**

**P.C. :**

1. This is a petition for writ of habeas corpus filed by the father of six year old twins, a boy and a girl. This is an unfortunate case where the allegations are made by the father against his own wife i.e. the mother of the children that she had taken away the children with her and did not allow the Petitioner to meet them.

2. The learned Senior Counsel appearing for the Petitioner submitted that the Petitioner and the Respondent No.2 were staying together with their children in Mumbai. On 13<sup>th</sup> January, 2025, the Petitioner went to Dubai and returned on 18<sup>th</sup> January, 2025. In the meantime, the Respondent No.2 took away the children with her and then did not allow the Petitioner to meet them. The whereabouts of the children were also not informed to the Petitioner. He further submitted that the children are suffering in their education because they are missing their school.
3. Learned Senior Counsel relied on the judgment of the Hon'ble Supreme Court in the case of ***Yashita Sahu vs. State of Rajasthan and Others***<sup>1</sup> to contend that writ of habeas corpus is maintainable if the custody of the child is with the other parent.
4. Ms. Talreja, learned counsel appearing for the Respondent No.2 submitted that the copy of the petition was served on the Respondent No.2 in the last evening. She is seeking time. She contended that the submissions made by the learned Senior Counsel for the Petitioner are not correct. She

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1 (2020) 3 Supreme Court Cases 67.

further stated that the children are studying only in Senior K.G. and their studies will not be affected. In any case, the school has given them permission not to attend the school for a couple of weeks.

5. We have considered these submissions. In this situation we deem it fit to direct the Respondent No.2 to produce the children before the Court so that the Court can interview them to see whether they are in a position to tell their wish. It is also necessary to consider the rival contentions of both the parties.

6. Hence the following order:

(i) Issue notice to Respondent No.2, returnable on 11<sup>th</sup> February, 2025. Ms. Talreja waives service of notice on the Respondent No.2.

(ii) Respondent No.2 shall produce both the children before the Court on 11<sup>th</sup> February, 2025. at 2.30 p.m. in the Chambers.

(iii) Stand over to 11<sup>th</sup> February, 2025.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)