IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No. 2096 of 2025

Vilas Bapurao More and others … Applicants
V/s.
The State of Maharashtra and others … Respondents.

Mr. Mahesh Phalke for the Applicants.
Mr. Anant B. Shinde i/b. Anant B. Shinde & Co. for Respondent Nos.4 to 6.
Mr. S.V. Gavand, APP for the State.
Mr.Vijay Hinge, PSI, Chitalsar Police Station present.

LATA SUNIL PANJWANI
Digitally signed by LATA SUNIL PANJWANI
Date: 2025.05.02 15:01:42 +0530

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

DATE : 29th April 2025.

P.C.:

This is a petition for issuance of writ in the nature of habeas corpus directing the Respondent No.4 to release Smt. Prabhavati Bapurao More from his custody and allow her to return to her house at Village Apati, Tal. Khalapur, Dist. Raigad.

2. The Petitioners are brothers and sisters of the Respondent No.4. Their mother Prabhavati is at present in the house of the Respondent No.4. She is 91 years of age and is not keeping well. She cannot perform her bodily functions. She is bed ridden and she is under medical treatment. In these circumstances, the present petition is filed with the allegations that the Respondent No.4 has

illegally confined her in his house and that he is not permitting the Petitioners to meet her. The Respondent No.4 has tendered a medical certificate dated 13th March 2025 issued by Dr. Ankit Biyani attached to Horizon Prime Hospital, Thane. The certificate mentions thus:

> "This is to certify that Mrs. Prabhavati More, age 90/female was evaluated at Horizon Prime Hospital, Thane under the care of Dr. Ankit Biyani. The patient has a history of medical illness and was recently admitted for treatment. At present, she is severely bedridden, unable to move or understand anything and requires assistance 24 X 7 with her daily activities. As she is in a critical situation, she is treated in this hospital which is near from her house. It is suggested not to shift her from the present location."

3. The Police Officer attached to Chitalsar Police Station was directed to visit Respondent No.4's house and observe the situation. He has filed his report. He has stated that Police Officers have visited the house of Respondent No.4. One woman constable was part of the police team. They observed that Smt. Prabhavati was kept in a Hall on a mattress. She was being treated by the medical team of Horizon Prime Hospital. It was about 3 kms. away from Respondent No.4's house. The woman police officer made enquiries with Smt. Prabhavati. It was observed that she was very old. She was finding difficulty in speaking and hearing. Sometimes she was

unable to understand the conversation. But from whatever she could convey, she told the police officers that she was regularly given meals and she was fed by her son and daughter-in-law. One lady care taker used to come to look after her.

4. The report is taken on record. This situation shows that Smt. Prabhavati is very old. She is under treatment of Horizon Prime Hospital. She is unable to perform her daily bodily functions and she was not understanding the conversation very well. In these circumstances, it is not possible to make changes in the situation by directing the Respondent No.4 to shift her to her native place at Village Apati.

5. Learned Counsel appearing for the Respondent No.4 stated that the Respondent No.4 and his family have absolutely no objection if the Petitioners visit the Respondent No.4's house to meet their mother. He submitted that the Petitioners are unnecessarily making allegations against the Respondent No.4 and his family.

6. Considering this background and that the quarrel is between the brothers and sisters with the Respondent No.4; at this stage, some workable arrangement can be made. Therefore, the police officers including some woman police officer can accompany the Petitioners to the house of the Respondent No.4 so that the Petitioners can meet their mother and look after her well being in the

present situation. The Respondent No.4 has already expressed his no objection for such course of action. Obviously, on every occasion the police officers cannot accompany the Petitioners but atleast for initial four meetings, this course can be adopted. Thereafter, it is left to the wisdom and compassion of the Petitioners and the Respondent No.4 to make a workable arrangement in the best interest of their 91 years old mother. Hence, the following order:

ORDER

(i) For the first four meetings, the Petitioners can visit the house of Respondent No.4 to meet their mother accompanied by police officers including a woman police officer for a period of atleast 4 hours. For that purpose the Petitioners shall give reasonable notice to the police officers and the Respondent No.4 so that this meeting can be arranged. These directions are applicable for the first four meetings. The police officers can also see interaction between the Petitioners and their mother.

(ii) After the first four meetings, it is left to the wisdom of the Petitioners and the Respondent No.4 how best they can ease the discomfort of their mother in her best interest.

(iii) We hope and trust that the Petitioners and the Respondent No.4 will act in the best possible interest of their mother. In case of any future trouble, the parties are at liberty to take

appropriate legal steps.

7. With these observations, the writ petition is disposed of.

(S.M. MODAK, J.) (SARANG V. KOTWAL,J.)