



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 666/2025

Mrs. Archana W/o Anil Chaudhary

-- VERSUS --

State of Maharashtra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.G. Hunge, Advocate for the Petitioner.

Mr. S.S. Hulke, A.P.P. for the Respondent No.1/State.

CORAM : ANIL L. PANSARE, AND
M.M. NERLIKAR, JJ.

DATE : AUGUST 12, 2025.

The petition has been filed for issuance of writ of *Habeas Corpus*. The petitioner's son is allegedly put in illegal custody of respondent No.2, his grandfather.

2. The learned Additional Public Prosecutor has invited our attention to the complaint lodged by the petitioner, through Speed-Post, with the Senior Inspector of Police, Tirora Police Station, District Gondia. The petitioner has stated that her first husband expired. She re-married with one Mr. Anil Ashokrao Chaudhary on 29/11/2014. Her son Master Tulshidas was residing with her parents and thus was in their custody. The parents and son were residing

at Rogha, Post – Lendezhari, Tahsil Tumsar, District Bhandara. The petitioner left for Mumbai to reside with her husband. Thus, the custody of the son was not with the petitioner.

3. The complaint further indicate that the son was residing with her (Petitioner)/parents for the period from the year 2014 till September, 2024. It appears that in September, 2024, the petitioner's father got arrested in some crime. Her son was then allegedly residing with petitioner's mother. The petitioner then came to know that her cousin brother, namely, Mr. Lokesh Thakare along with one Mr. Rakesh Kolthe and Mr. Nilesh Thakre have taken the minor son from the custody of her mother and put him in the custody of Respondent No.2 and his wife. The grievance of the petitioner is that the respondent No.2 and his wife are not allowing her to talk to her son through one Mr. Ravi Deware who is known to her.

4. *Prima facie*, we find the story of illegal custody to be concocted story, particularly, considering the fact that the child was not in the petitioner's custody for last 10 years, secondly, the persons who have allegedly taken custody and handed it over to respondent No.2 are not made party to the proceedings and thirdly respondent No.2

is the grandfather of the child and has right to have company of grandson.

5. Nonetheless, since serious allegations are made, we are inclined to hear other side, but before we do so, we would like to test the bonafides of petitioner's as well. Accordingly, we direct petitioner to deposit Rs.50,000/- with the Court. The amount shall be deposited within one week from today. On depositing amount, issue notice made returnable in two weeks thereafter. Learned A.P.P. waives notice for respondent No.1. If the amount is not deposited within one week, the petition shall stand dismissed for non-compliance of order.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]