



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1033 OF 2026
IN
CRIMINAL WRIT PETITION NO. 91 OF 2026

Suman Nansaheb Bhosale And Another
VERSUS
Nansaheb Bhanudas Bhosale

WITH
CRIMINAL WRIT PETITION NO. 91 OF 2026

Nanasaheb Bhanudas Bhosale
VERSUS
Suman Nanasaheb Bhosale And Another

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- Mr. Kore Ganesh J., Advocate for Applicants/Original Respondent in WP no. 91 of 2026
- Mr. Thorat Mohanish V., Advocate for the Sole Respondent/Original Petitioner in WP No. 91 of 2026

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CORAM : MEHROZ K. PATHAN, J.

DATED : 27.03.2026

PER COURT :

1. The applicants, namely Suman Nanasaheb Bhosale and Sonal Nanasaheb Bhosale, who are respondents in Criminal Writ Petition No. 91 of 2026, have filed the present application seeking permission to withdraw the amount of Rs.1,00,000/- deposited by the petitioner – Nanasaheb Bhanudas Bhosale, pursuant to order dated 21.01.2026. The said amount of Rs.1,00,000/- was deposited before this Court in compliance with the order dated 21.01.2026. The writ petition

challenges the order dated 28.08.2025 passed by the learned Additional Chief Judicial Magistrate, Osmanabad in Miscellaneous Civil Application No. 36 of 2013, whereby maintenance has been granted in favour of the respondents (wife and daughter).

2. Learned counsel for the respondents objects to the maintainability of the writ petition in view of the alternate remedy of appeal available under Section 29 of the Protection of Women from Domestic Violence Act, 2005. In view thereof, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to avail the said alternate remedy. Permission is granted. The petitioner is at liberty to file an appeal under Section 29 of the said Act before the learned District Judge. The period spent in prosecuting the present writ petition shall be considered for the purpose of condonation of delay, if any.

3. Learned counsel for the respondents submits that substantial arrears of maintenance are due from the petitioner. The same is disputed by the learned counsel for the petitioner. All contentions of both sides are kept open for consideration by the appellate Court.

4. Insofar as the present application is concerned, considering that the amount of Rs.1,00,000/- is already deposited before this Court, the respondent-wife is permitted to withdraw the said amount. Office to permit withdrawal accordingly.

5. Criminal Application No. 1033 of 2026 stands allowed in the above terms.

6. Considering that the petitioner has approached this Court and has deposited an amount of Rs.1,00,000/- to show his bona fides, the operation and implementation of the impugned order dated 28.08.2025 shall remain stayed for a period of two weeks from today to enable the petitioner to approach the appellate Court. It is made clear that the petitioner shall file an appeal within the said period, failing which the interim protection shall stand vacated automatically.

7. Criminal Writ Petition No. 91 of 2026 stands disposed of accordingly.

(MEHROZ K. PATHAN, J.)