

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 34 OF 2026

Vishal Vilas Tambe

Petitioner

Versus

1. The State of Maharashtra

2. The Police Inspector,
Vaijapur Police Station.

3. Satish Vasant Joshi

4. Jyoti Satish Joshi

Respondents

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Mr. A.T. Kanawade, Advocate for the petitioner.

Mr. P.S. Patil, A.P.P. for respondent-State.

Mr. Omprakash Waghmare, Advocate for respondent No.3 & 4.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 27 FEBRUARY 2026.

Oral Order (Per Abasaheb D. Shinde, J.) :

1. Heard learned counsel for the petitioner as well as the learned A.P.P. and learned counsel appearing for respondent Nos.3 and 4.

2. The petitioner has approached this Court under Article 226 of the Constitution of India, seeking writ of *Habeas Corpus* against respondent Nos.1 and 2 seeking direction that the alleged wife of the petitioner and his minor daughter be produced before this Court.

3. Considering fact situation, we thought it fit to interact with the alleged wife of the petitioner and after having interaction with her, she stated that she is not willing to reside with the petitioner and she has opted to stay with her parents. We have perused the statement of the alleged wife of petitioner purported to have been made before the police authorities, wherein she has stated that she has not performed marriage with the petitioner, but she was living in relationship with the petitioner out of which they have begotten the minor daughter. When confronted that petitioner claims to have married with her, she flatly denied that she got married with the petitioner.

4. We thus find that since the alleged wife of the petitioner is major and is not willing to stay with the petitioner, we find that this is not a fit case where this court would issue writ of *Habeas Corpus*, as prayed for.

5. We, therefore, dispose of the writ petition.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE