



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL WRIT PETITION NO. 601 OF 2026

YOGESH KASHINATH ALHAT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioner : Mr.A.D.Ostwal i/by Mr.Mohit L.Deoda

Addl.PP for Respondent-State : Mr.PS.Patil

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CORAM : SANDIPKUMAR C. MORE AND
VAISHALI PATIL-JADHAV, JJ.

DATE : 11.06.2026

P. C. :

1] Heard rival parties.

2] By way of this Criminal Writ Petition, the petitioner is seeking direction to issue writ of habeas corpus for production of his daughters, namely, Divya d/o.Yogesh Alhat and Riya d/o.Yogesh Alhat presently aged about 16 and 15 years respectively.

3] The record shows that the minor girls were also produced earlier before the learned Judge of Vacation Court and as per the order dated 28th May, 2026, the learned Judge of Vacation Court had interacted with those girls and opined that it would not be proper to direct custody of minor girls to the petitioner even though he appears to be natural guardian of them. The learned Judge of Vacation Court, after interaction with girls, also opined that those girls were safe in the custody of respondent no.5, who is their

paternal aunt. As such, the custody of the aforesaid girls, who are daughters of the petitioner, was continued by this Court with respondent no.5 only.

4] Today those girls again appeared before this Court and we had interacted with them in our chamber. On interaction, we found that the girls are not ready to go with their own father i.e. petitioner and prefer to stay with their aunt i.e. respondent no.5. Therefore, considering age of those girls and their contentions that they would be safe in the hands of respondent no.5, we are not inclined to issue any writ of habeas corpus for giving them into custody of the petitioner.

5] Learned counsel for the petitioner submits that the petitioner being natural guardian of the minor girls is entitled to take custody of his minor girls because respondent no.5 cannot be termed as natural guardian of those girls.

6] In view of the same, even though the petitioner is natural guardian of the girls, we do not deem it appropriate to give girls in the custody of the petitioner. As such, Writ Petition stands disposed of.

7] However, we make it clear that the petitioner–father being guardian of girls may file appropriate proceedings before the appropriate Forum for getting custody of his daughters under the legal provisions as permissible in law. The girls be continued to reside with respondent no.5. Accordingly, Writ Petition is disposed of.

8] The fees to the appointed counsel for the petitioner is quantified to Rs.5,000/- and the High Court Legal Services Sub Committee, Aurangabad is directed to pay the same to the appointed counsel for the petitioner, as expeditiously as possible.

[VAISHALI PATIL-JADHAV, J.]

[SANDIPKUMAR C. MORE, J.]

DDC