IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2421 OF 2026

SUPRIYA PRAMOD JAWARE
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Smita Shankar Katkar ..Petitioner
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Kunal Banage, a/w Nerissa Almeida, Mr. Shashank Shubham, Mr. Darpan Gupta i/by Ms. Sneha Mishra, for the Petitioner.
Ms. Supriya Kak, APP for the Respondent/State.
Ms. Poonam Ankleshwaria, for Respondent No.2.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 17 AUGUST 2026

PC :

1. This is a Petition for a Writ of Habeas Corpus. The Petitioner is the mother of a 5 year 3 month old daughter. Her daughter is at present with Respondent No.2, i.e. the Petitioner's husband.

2. Learned Counsel for the Petitioner states that the Petitioner has already approached learned JMFC Court, Kalyan, under the provisions of the Protection of Women from Domestic Violence Act, for interim custody of the child. Learned Counsel for

the Petitioner states that, the Application is already filed. As of today, the Application is not numbered. In this view of the matter, he seeks permission to withdraw this Petition. However, he requests the Court to pass Order in the nature of an interim arrangement for a period of two moths, within which he will take steps before the learned JMFC Court, Kalyan, regarding the interim custody of the child.

3. Learned Counsel for the Respondent No.2 states that, pursuant to earlier orders of this Court, the child had met the Petitioner at Vadodara. However, the Petitioner tried to tutor the child and poisoned her mind against Respondent No.2. The learned Counsel for Respondent No.2, on instructions, expressed an apprehension that the Petitioner may tutor the child to make allegations of the nature of an offence under the POCSO Act.

4. We have considered this situation. The child is continuously staying with the Respondent No.2. There is no concrete material to assume or to conclude that the Petitioner would tutor the mind of the child to the extent which is mentioned

by the learned Counsel for Respondent No.2. The Petitioner is at liberty to pursue all other legal remedies available to her in accordance with law. Respondent No.2 cannot prevent her from pursuing her legal remedies. The Petitioner has already approached the Court of the learned JMFC, Kalyan, for interim custody, as mentioned above. Therefore, at least for some time, some interim arrangement can be made so that by that time, the Petitioner's Application is decided by the Court of learned JMFC, Kalyan, there is some redressal to the Petitioner. Hence, the following Order:-

ORDER

(i) The learned Court of JMFC, Kalyan, where the Petitioner has filed her Application, shall decide the prayer for Interim Custody within a period of two months from today.

(ii) During this period of two months from today, Respondent No.2 shall allow video conferencing facility and access to the Petitioner through that facility to the child on every Monday, Wednesday and

Friday between 9.00 p.m. to 9.30 p.m.

(iii) In addition, Respondent No.2 shall give exclusive access of the child to the Petitioner on the 1st and 3rd Sunday at Vadodara, at a public place, between 11.00 a.m. to 3.00 p.m. The Respondent No.2 shall not interfere in that access.

(iv) With these directions, the Petition is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)