

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 85 OF 2026

Shivmurat Darsharam Chauhan	}	Petitioner
Versus		
State of Maharashtra & Ors.	}	Respondents

Mr. Sunil Rajbhar with Mr. Avdesh Kanojiya,
Advocates for Petitioner.

Ms. M. M. Deshmukh, In-Charge Public
Prosecutor with Mr. J. P. Yagnik, APP for
Respondent Nos. 1 to 3.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 29th JANUARY 2026

P.C.:

In this *Habeas Corpus* petition, the petitioner seeks a direction to the respondents to produce his minor daughter (hereinafter referred to as 'X'). The petitioner has made allegations against the respondent no. 4 who, according to him, kidnapped X and in relation thereto, a First Information Report was lodged on 8th November 2024 at Panchpedwa Police Station, Balrampur, Uttar Pradesh bearing First Information Report No. 246 of 2024 under section 137(2) of the Bharatiya Nyaya Sanhita, 2023 (in short, BNS) and thereafter sections 87 and 85(1) of the BNS and sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (in short, POCSO Act) were added. Later on, the Special POCSO Court, Balrampur through an order dated 21st December 2024 enlarged the respondent no. 4 on bail.

2. The petitioner further states that a second First Information Report has also been lodged at Mankhurd Police Station on 29th January 2025 bearing First Information Report No. 44 of 2025 on the allegation of commission of offences including the offences under sections 4, 6, 8 and 10 of the POCSO Act. The respondent no. 4 was taken into custody and X was recovered and sent to the custody of Child Welfare Committee. Pursuant to the second First Information Report, the respondent no. 4 filed a bail application vide POCSO Bail Application No. 830 of 2025 wherein his said application was granted by the Special Judge, City Civil & Sessions Court, Gr. Mumbai through an order dated 17th October 2025.

3. It is further stated that during the investigation of the second First Information Report, X was traced at Lucknow where she was residing with the respondent no. 4.

4. A third First Information Report bearing No. 0435 of 2025 was registered at Tilak Nagar Police Station in relation to the escaping of X from the custody of Child Welfare Committee when she was sent to Rajawadi Hospital, Ghatkopar.

5. In view thereof, we are inclined to issue notice to the respondent no. 3, returnable on 20th February 2026, who shall file an affidavit regarding the steps taken by him for production of X before this Court. Ordered accordingly.

6. Post the matter on 20th February 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]