

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

CRIMINAL WRIT PETITION NO. 577 OF 2026

Abhinav Shardanand Upadhyay

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Durgesh Vaish a/w. Shanti Vaish for Petitioner.

Mr. Ashish Satpute, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.**

DATE : 1 APRIL 2026

PC :

1. This is a petition for issuance of writ of *habeas corpus* directing the Respondent No.3 to produce the Petitioner's daughter before the Court and to restore the custody of the daughter to the Petitioner.

2. It is the case of the Petitioner that, he got married with the Respondent No.3 on 27.12.2018 and they have a daughter from their marriage, whose date of birth is 01.12.2021. There are certain allegations made in the petition. However, it is not necessary to decide the truthfulness or otherwise of those

allegations. It is the case of the Petitioner that, since January 2024, the Respondent No.3 left their matrimonial house with the minor daughter and since then he was unable to see his daughter. In this situation, he has approached this Court.

3. On the previous occasion, we had directed the Respondent No.3 to bring the daughter of the Petitioner to the Court. Accordingly, the Respondent No.3 is present in the Court with the child. We ensured that the Petitioner could spend at least two hours with her child in the Court premises. Accordingly, the Petitioner could meet his daughter and he spent some time with his daughter.

4. In this situation, learned counsel for the Petitioner, on instructions, does not press this petition any further. However, he seeks liberty to adopt appropriate proceedings before the appropriate court for custody of the Child.

5. Permission is granted. The petition is disposed of as not pressed. However, the Petitioner is at liberty to adopt appropriate proceedings in accordance with law before the appropriate Court

for custody of the child.

6. If such proceedings are preferred, they shall be decided expeditiously.

7. With these observations the petition is disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)