

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2460 OF 2026

Rajshree Bharat Ahire ...Petitioner
Versus
Sunita Kashinath Hasure & Ors. ...Respondents

Mr. Vinay J. Bhanushali a/w Mr. Sanmit Vaza for the Petitioner.

Ms. Supriya Kak, A.P.P for the Respondent-State.

Respondent No.1 is present in-person.

CORAM : SARANG V. KOTWAL &
ASHISH S. CHAVAN, JJ.
DATE : 9th JUNE, 2026

P.C. :

1. This is a petition for issuance of Writ of Habeas Corpus.
2. Heard learned Counsel Mr.Vinay Bhanushali for the petitioner and Ms. Supriya Kak, learned APP for the State.

3. In the past, we had issued notice to the respondents. The respondent No.1 is present before the Court. She interacted with the learned A.P.P.

4. It is the case of the petitioner that she was married to one Bharat Ahire. They had three children. The elder daughter, at present, is staying with her husband's sister i.e. the respondent No.1. The other two children are with the petitioner. It is an unfortunate case where the petitioner is an accused in a case involving the murder of her husband – Bharat Ahire. She was arrested in connection with the said case arising out of C.R.No. 125 of 2025 registered with Aarey Sub Police Station, Brihan Mumbai, under Sections 103, 117(2), 115(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

5. The brief allegations against the petitioner are that she

was having some relations with the main accused Chandrashekhar who assaulted the petitioner's husband on 15th July, 2025, causing his death. The petitioner was also arraigned as an accused in that case. She was granted bail by a Single Bench of this Court vide order dated 7th January, 2026 in Bail Application No. 4847 of 2025.

6. After she was released on bail, pursuant to the said order dated 7th January, 2026 passed in Bail Application No. 4847 of 2025, her two younger children i.e. younger daughter and the son were brought back by her and were residing with her. However, the respondent No.1 did not permit the elder daughter of the petitioner to go back with the petitioner. The respondent No.1 retained her custody. In the meantime, there were allegations that the respondent No.1's brother i.e. the petitioner's brother-in-law (Bharat's brother) committed an act against the petitioner's elder daughter which amounts to an offence under the provisions of the

Prevention of Children from Sexual Offences Act, 2012. In that connection, C.R.No.99 of 2026 was registered at the same Aarey Sub Police Station on 21st April, 2026. It was registered under Sections 74, 78, 75(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Prevention of Children from Sexual Offences Act, 2012. The FIR was lodged by the petitioner.

7. In this background, the present petition is filed for the Writ of Habeas Corpus to get the custody of the petitioner's elder daughter.

8. On the previous occasion i.e. on 20th May, 2026, the Division Bench sitting in the vacation, heard the matter and interviewed the petitioner's elder daughter. The order dated 20th May, 2026 records that the petitioner's elder daughter had informed the Court that she was desirous of staying with the petitioner. However, there was one hurdle. The order dated 7th January, 2026

in Bail Application No. 4847 of 2025 imposed a condition recorded at (vii) in the operative part mentioning that the petitioner shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case in which she was an accused. The petitioner's elder daughter was shown as one of the witnesses and therefore, this particular condition was coming in the way of the petitioner's daughter reuniting with her. Considering this difficulty, the Division Bench in the Vacation, adjourned the matter at the instance of the learned Counsel for the petitioner who had sought time to take steps through appropriate application before the learned Single Judge. Accordingly, Interim Application No. 1680 of 2026 in Bail Application No. 4847 of 2025 was pursued by the petitioner in which the order was passed on 20th May, 2026 deleting that particular condition. The said condition continued to operate against other witnesses except the petitioner's elder daughter. Thus, as of today, there is no hurdle in petitioner's daughter reuniting with the petitioner.

9. Today, the petitioner's elder daughter is present in the Court. We also interviewed her and asked her desire. She categorically stated that she wanted to go back and stay with the petitioner. She is a minor girl aged 12 years. She was also the victim in a case registered under the POCSO Act. Learned Counsel for the petitioner submitted that the accused in that case was the real brother of the respondent No.1 and was residing in the neighbourhood. This is an additional circumstance which requires that the petitioner's elder daughter should stay with the petitioner so that there can be mental support to her.

10. The respondent No.1 is present in the Court. We asked the respondent No.1 whether she has any objection for returning the petitioner's daughter to her. The respondent No.1 specifically told that she has no objection for returning the petitioner's elder daughter to her.

11. Considering all these circumstances, the petition can be allowed. Hence, the following order :

ORDER

(i) The respondent No.1 shall hand over the custody of the petitioner's elder daughter to the petitioner.

(ii) Since the petitioner's elder daughter is present in the Court, she is permitted to go with the petitioner.

12. Petition is accordingly disposed of.

ASHISH S. CHAVAN, J.

SARANG V. KOTWAL, J.