

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2492 OF 2026

Niraj Vishesh Tandel ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Radhikesh V. Uttarwar a/w Ms. Pooja R. Thakur & Ms. Pradnya C. Solanki for the Petitioner.

Mr. Suyash Nitin Khose, Mr. Siddharth N. Sutaria, Mr. Mrugen Dhage i/b Ms. Pooja Agarwal for the Respondent Nos.5 and 6.

Ms. Kranti Hiwrale, APP for the Respondent – State.

Ms. Pooja Agarwal (through VC) for the Respondent No.7.

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 for production of the two year old son of the petitioner. The

respondent No.5 is wife of the petitioner who at present is residing with the respondent No.6. The respondent No.7 is father of the respondent No.5 i.e. father-in-law of the petitioner.

2. Heard learned Counsel Radhikesh Uttarwar for the petitioner, Mr. Suyash Khose for the respondent Nos.5 and 6, Ms. Pooja Agrawal for the respondent No.7 and Ms. Kranti Hiwrale, learned APP for the State.

3. On 7th May, 2026, notice was issued to the respondents. Today, the respondent Nos.5 and 6 are represented by the learned Counsel Mr. Suyash Khose. The respondent Nos.5 and 6 are present in the Court and they have brought the petitioner's minor son also to the Court. The son is in good health. The respondent No.7 i.e. the petitioner's father-in-law is present in the Court. Learned Counsel for the contesting parties i.e. the learned Counsel for the petitioner and the learned Counsel for the respondent Nos.5 and 6,

on instructions of their respective clients have taken a reasonable stand in this peculiar circumstance. Both of them jointly submitted that the parties would prefer appropriate application for custody of the minor son before the Family Court at Pune. It may take some time.

4. They further submitted that in the meantime, by way of interim arrangement which is acceptable to both the contesting parties, the petitioner's minor son can be kept in the custody of the respondent No.7. The Respondent No.7 stated before the Court that till the question of custody is resolved through legal process, he shall look after the minor child. The petitioner is agreeable to this arrangement. We have inquired about this particular arrangement from the petitioner, respondent No.5 and respondent No.6.

5. In this view of the matter, nothing further survives in this petition. The custody of the minor child shall remain with the

respondent No.7 till an appropriate order is obtained by either of the parties from the Family Court, Pune, in respect of custody of the minor child.

6. Petition is accordingly disposed of.

ASHISH S. CHAVAN, J.

SARANG V. KOTWAL, J.