

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

**INTERIM APPLICATION NO. 1216 OF 2026
IN
WRIT PETITION NO. 3204 OF 2025**

Aniket Anil Vingle

... Applicant

Versus

The State of Maharashtra and Ors.

... Respondents

MS. Firoza Daruwala a/w Ms. Khushi Desai i/b Ms. Prabha Badadare,
for the Applicant/ Petitioner.

Mr. Abhishek Upadhye (through V.C.) a/w Mr. Ashwet Bhoir, for the
Respondent Nos.2 and 3.

Ms. Mahalakshmi Ganapathy, Addl. P. P., for the Respondent-State.

Mr. Aniket Anil Vingle, Applicant (through V.C.)

Ms. Shweta Santosh Kulkarni, Respondent No.2 (through V.C.)

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

DATE : 30th APRIL, 2026.

P.C.:

1. The main Writ Petition i.e. Writ Petition No.3204 of 2025 is filed for the writ of habeas corpus and for handing over the custody to the Petitioner-father.

2. Both the learned Counsel want to argue the matter in detail therefore, we are posting this Writ Petition on 17th June, 2026.

3. The Interim Application No.1216 of 2026 is filed for access of the minor son aged six years. It is the case of the Petitioner that he is working in Canada but he wants to meet his son till the Writ Petition is decided. The Petitioner is requesting for access till final orders are passed regarding custody of the child. His request is reasonable; therefore, we have considered grant of access to the Petitioner/ Applicant till some orders are passed in respect of the custody.

4. Learned Counsel for the Applicant/ Petitioner submitted that the Applicant/ Petitioner is willing to come to India to meet his son for a month between 08/05/2026 to 08/06/2026. The exclusive access for a reasonable period be granted to the Petitioner/ Applicant so that he can meet his son and spend quality time him.

5. Learned Counsel for the Respondent No.2 strongly opposed even access to the child. He submitted that access be granted to the Petitioner/ Applicant only on Sunday. We are of the opinion that the stand taken by the learned Counsel for the Respondent No.2 is very unreasonable. The Petitioner/ Applicant is to come all the way from Canada for a period of one month and it was highly unreasonable to permit him to meet his child only once a week. Therefore, we are outrightly rejecting the suggestion given by the learned Counsel for the Respondent No.2. The Respondent No.2 also appeared through video conferencing and submitted that she is working in an IT Company and her working hours are in synchronization with the working hours of U.S.A., therefore, some reasonable time be fixed.

6. In our opinion that since the Petitioner/ Applicant is coming from a long distance, he will have to be given reasonable opportunity to meet his son during his stay. Therefore, we expressed that we are inclined to allow access every alternate day and for more time either on Saturday or Sunday. When we expressed our opinion, the

Respondent No.2 submitted that the Applicant/ Petitioner can meet the child between 9:00 a.m. to 11:00 a.m. every alternate day. She submitted that she can take the child to the Phoenix mall at Wakad. This reasonable stand taken by the Respondent No.2 is acceptable to us. In addition, the Applicant/ Petitioner can have access either on Saturday or Sunday for a period of five hours. Respondent No.2 also submitted that the child's school is starting from 01/06/2026 and therefore, from June onwards it would be difficult to adhere to the time schedule of 9:00 a.m. to 11:00 a.m. We are taking this also in consideration. Hence, the following order:

ORDER

- (i) The Petitioner/ Applicant shall have exclusive access to the child between 9:00 a.m. to 11 a.m. every alternate day starting from 08/05/2026 to 08/06/2026.

- (ii) The Petitioner/ Applicant shall have exclusive access to the child on every Sunday, between 1:00 p.m. to 6:00 p.m.

(iii) It is made clear that, the Respondent No.2 shall take the child to Phoenix Mall, Wakad at 9:00 a.m. on the scheduled dates as directed above and the Respondent No.2 shall collect the child at 11:00 a.m. from the said place. It is made clear that Respondent No.2 can remain in the vicinity but the Applicant/ Petitioner shall have exclusive interaction and access with the child during that period.

(iv) The same directions shall apply to the access on every Sunday as directed above. This arrangement will continue only till 08/06/2026.

(v) From 01/06/2026 to 08/06/2026, the same access for a period of two hours every alternate day shall be given as per the convenience of the child depending on the child's school schedule.

(vi) It is made clear that, the Applicant/ Petitioner shall

not make any attempt to take the custody of child by taking wrong advantage of this order.

(vii) It is made clear that for any other relief, the parties can adopt appropriate proceedings in accordance with law.

(viii) With these directions, the Interim Application No.1216 of 2026 is disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)