

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 7393 of
2026**

=====

GOURAV KOTAK FATHER OF THE CORPUS
Versus
STATE OF GUJARAT & ORS.

=====

Appearance:

MR. ANANTANAND J SINGH(10046) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**
and
**HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 08/06/2026

ORAL ORDER

(PER : **HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**)

Mr.Anantanand Singh, learned Advocate submitted that as per the agreement entered into between the parties, the custody of the corpus was to remain with the mother; however, for the period from April, 2023 to June, 2023 the custody remained with the father. Thereafter, the custody of the corpus was taken away by the respondent no. 3-mother in the month of June, 2023; however, for the reasons best known to the respondent no.3, somewhere in the month of April, 2025, the corpus was handed over to the petitioner-father. Taking sufficient care of the corpus and considering her interest, the petitioner got her admitted in a school in Ahmedabad and she continued her studies till February, 2026. In the month of February, 2026, the respondent no. 3 once again appeared and took away the custody of the child forcefully despite the fact that she was continuing her studies

in Ahmedabad.

2. Considered the submissions. Issue notice to the respondents returnable on 29.06.2026. Mr.Rohan Raval, learned Additional Public Prosecutor waives service of notice on behalf of respondent nos. 1 and 2. Respondent nos. 3 and 4 to be served through the concerned police station. Let the respondent no. 3 remain personally present with the corpus on the next date of hearing.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

SINDHU NAIR