

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 8587 of
2026**

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NEHA BHAVESH CHAUHAN

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. NITESH G JAIN(7178) for the Applicant(s) No. 1

MR. NISARG N JAIN(8807) for the Respondent(s) No. 2

MS. PRAKRITEE JAIN(14342) for the Respondent(s) No. 2

MS.SHRUTI PATHAK, LD. ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

and

**HONOURABLE MR. JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 31/07/2026

ORAL ORDER

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

1. Captioned petition is filed by the petitioner – biological and natural mother of the corpus, who is presently aged 4.5 years. This Court, on 22.06.2026 has passed an order issuing notice to the respondent.

2. Ms.Shruti Pathak learned Additional Public Prosecutor has made it sure that the corpus is present with the respondent – father and accordingly the corpus has remained present with the father on 22.06.2026. The temporary custody of the child was handed over to the mother, which continued from time to time. As the issue was of custody of the child, this Court requested the petitioner – mother and the respondent – father to amicably settle the issue.

3. Today, the petitioner and the respondent - father have jointly agreed that on Saturdays and Sundays, the custody of the child shall be with the respondent - father. On Saturday morning, the child can join the respondent - father and the respondent - father shall drop the child at the residence of the petitioner - mother on Sunday evening. Besides, during Diwali vacation and Summer vacation, the child shall stay with the respective parents for equal number of days. To illustrate, if the vacation is of 10 days, for the first five days, the child shall stay with the father and with the mother for the remaining five days. Similar such arrangement shall continue for summer vacation as well.

4. During the festivals, let the petitioner and respondent - father mutually agree for spending the holidays with child. The petitioner has stated before this Court that if any request is received from the respondent-father, she would readily facilitate the meeting of the child with the father and it may also happen that all three of them would celebrate the festivals together, if convenient and comfortable to both the parties. Besides, the birthday of the corpus, as far as possible, shall be celebrated together and if the respondent - father wishes to celebrate his birthday with the corpus, the petitioner - mother shall facilitate the same.

5. A concern was raised by the respondent-father that his name is not there in the school record, to which, the petitioner - mother has agreed that if any application is filed by the respondent - father, she shall not raise any objection for adding the name of the father in the school record so as to facilitate him to attend school meetings.

6. In view of the aforesaid consensus arrived between the parties, no further orders would be necessitated. Needless to clarify that the above referred order is passed without prejudice to rights and contentions of the petitioner as well as respondent no.2, leaving it open for both the parties to take recourse with regard to the custody of the child in accordance with law.

7. The petition accordingly stands disposed of. No order as to costs.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

ANKIT SHAH