

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 9926 of
2026**

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RAWAT BHUMIKA GAJENDRASINGH D/O RAWAT GADJENDRASING
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR. HARSH M UPADHYAY(17556) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 2,3
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 : 23/07/2026

ORAL ORDER

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

1. Mr.Parth Jani learned advocate for Mr.Harsh M. Upadhyay learned advocate for the applicant has tendered the draft amendment. The same is directed to be taken on record. Let the amendment be carried out forthwith. Once the amendment is carried out, let there be a **NOTICE** to the newly added respondent nos.4 and 5 returnable on 03.08.2026.

2. On 14.07.2026, this Court, has recorded the attempt put by the respondent no.3 of circumventing the procedure rather overreaching the law. Time was allowed to the learned Additional Public Prosecutor and it was reported that although the respondent assured cooperation, he has been continuously changing his location with his son. Further time was allowed to the respondent, however, the respondent chose to continue to avoid the Court proceedings. On 20.07.2026, this Court, having left with no option,

has passed the following order:

"1. Heard Mr Harsh M. Upadhyay, learned advocate for the petitioner. It is submitted that the private respondent has taken away the child circumventing the Court proceedings. It is submitted that the course adopted by the respondent no.3 is not proper. Even after this Court, has on 14.07.2026 requested the learned Additional Public Prosecutor to take instructions, the respondent no.3 appears to have been avoiding the Court proceedings. This Court, on 14.07.2026 has passed the order recording the fact as well as the conduct of the respondent no.3.

2. Acceding to the request of the learned Additional Public Prosecutor, this Court, on 15.07.2026 has adjourned the matter to 16.07.2026 and thereafter, today. It has been informed that the respondent no.3 is intentionally and with a view to avoiding the Court proceedings is changing the location.

3. Issue notice to the respondents, returnable on 23.07.2026. Mr Rohan Raval, learned Additional Public Prosecutor waives service of notice on behalf respondent no.1. For rest of the respondents, direct service is permitted.

4. On the next returnable day, if the Court finds that the respondent no.3 is avoiding the Court proceedings, this Court with a view to procuring the presence of the respondent no.3 shall issue a bailable / non-bailable warrant."

3. Today also, the situation is as it is. Series of orders passed by this Court, clearly give an impression that the respondent no.3 is avoiding the Court proceedings, only with a view to see that the child is not produced before this Court. Having left with no option and as cautioned in the order dated 20.07.2026, let there be a bailable warrant in the sum of Rs.10,000/- issued to respondent no.2. Direct service through concerned police station is permitted.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

ANKIT SHAH