

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 10303 of 2026****With
CRIMINAL MISC.APPLICATION (FOR JOINING PARTY) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 10303 of 2026**

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USHA SHANKAR KUCHEKAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:

SIDDHARTH R KHESKANI(9483) for the Applicant(s) No. 1
MR NR KODEKAR(5020) for the Respondent(s) No. 4,5
MS. PUJA M. RAVAL(19556) for the Respondent(s) No. 4,5
MS SHRUTI PATHAK, APP 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 : 12/08/2026
ORAL ORDER

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

1. The matter was kept today. The corpus is present and the bench has interacted with the corpus in chamber.

2. She has shown her willingness to meet the respondent no.4; however, there is some reservation against respondent no. 5. Upon further interaction, she has stated that she is very happy staying with the petitioner and one Ms. Sheetal Yadav, a close friend of the deceased mother of the corpus. It was reported to the bench that after the death of adoptive mother of the corpus, she has taken care of the corpus for almost one year. Paragraph 6 of the affidavit filed by her in the captioned proceedings reads thus:

“6. I state that after the unfortunate demise of Late Nilam Maruti Dodke i.e. adoptive mother of the Corpus Devanshi in the year 2020, the minor Corpus was entrusted to my care and custody and out of love, affection and concern, I looked after the Corpus for a period of approximately one year, taking care of her day-to-day needs, education, health and emotional well-being as my own daughter, during which period I developed a close emotional bond with her and became well acquainted with her behavior, personality and overall emotional condition.”

3. The respondent no. 4 is also personally present and he has assured that he will take utmost care of the corpus and her welfare would not be compromised. He has also assured that whatever little reservation that the corpus has against the respondent no.5, attempts shall be put to remove it. Assurance is also extended on behalf of respondent no. 5 that she will take utmost care of the corpus.

4. The bench has also interacted with respondent no. 5 so as to ascertain the cause of the reservation. She has stated before this Court that she was not aware that the corpus is the adoptive daughter of the respondent no. 4 and has she known, she would not have solemnized the marriage; however, as the marriage has already been solemnized, it is her obligation and duty to take care of the corpus.

5. Considering the welfare of the corpus, concern and impression gathered by the bench during the interaction, the corpus was allowed to go with the petitioner. Today, during the interaction, the bench has gathered the impression and as recorded hereinabove, the corpus has some reservation against respondent no.5. Hence, this Court is of the opinion that till the respondent nos. 4 and 5 file their respective

affidavits, let the corpus continue to stay with the petitioner and Ms. Sheetal Yadav. It is also agreed by the petitioner that she would take the corpus to Pune during the Ganpati festival and shall return back.

6. For further consideration, list the matter on 28.09.2026.

(SANGEETA K. VISHEN, J)

SINDHU NAIR

(UTKARSH THAKORBHAI DESAI, J)