

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

WRIT PETITION NO. 2421 OF 2026

Smita Shankar Katkar

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Kunal Bhanage i/b Ms. Sneha Mishra a/w Ms. Nerrisa Almeida and
Mr. Darpan Gupta, for the Petitioner.

Ms. Poonam Ankleshwaria a/w Ms. Atithi Abhay, for the Respondents.

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

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

DATE : 07th MAY, 2026.

P.C. :

1. This is a Petition for Writ of Habeas Corpus. The grievance of the Petitioner was that the Respondent No.2-husband has taken away their four year old daughter and she was not allowed to meet or see the daughter for over a year. We had on the last occasion i.e. on 05/05/2026, issued notice to the Respondent No.2. He was represented by his learned Counsel and had waived service of notice. We had directed the Respondent No.2 to bring the child to the Court

today. Accordingly, the Respondent No.2 brought their daughter to the Court at 11:00 a.m. We directed that the Petitioner can meet the daughter in the learned A.P.P.'s office atleast for some time. Accordingly, the meeting was arranged. The Petitioner could spend some time with the daughter though the daughter was reluctant to communicate with the Petitioner.

2. We are informed that the Petitioner has already filed Interim Custody Application in the Court of Judicial Magistrate First Class, Kalyan.

3. Learned Counsel for the Petitioner submitted that till the next date before this Court atleast video access be given to the Petitioner for her child atleast thrice a week for atleast half an hour.

4. Both the learned Counsel on instructions of their respective clients submitted that, the parties are willing to explore the possibility of settlement through mediation. Considering this situation, the following Order is passed:

ORDER

(i) The Respondent No.2 is at liberty to file affidavit-in-reply on or before the next date with copy to the other side.

(ii) In the meantime, the Application for interim custody filed under the Protection of Women from Domestic Violence Act, 2005 before the JMFC, Kalyan, shall proceed in accordance with law without being influenced by pendency of the present Petition.

(iii) Till the next date before this Court, the Respondent No.2 shall make arrangement so that the Petitioner has video call access with the child on every Monday, Wednesday and Friday between 9:00 p.m. to 9:30 p.m.

(iv) The child's birthday is on 11/05/2026. Therefore, the Petitioner is permitted to go to Vadodara and meet the child for two hours with exclusive access. The father of the child can stay in the vicinity and shall not interfere with the exclusive access.

The access would be in a public place near the Respondent No.2's house between 10:00 a.m. to 12:00 p.m.

(v) Both the parties either by themselves or through their representatives shall attend the office of the Mediation Centre of this Court on 15/05/2026 at 11:00 a.m. The Officer-in-charge of the Mediation Centre shall appoint a suitable Mediator/ Counsellor to make an attempt to bring about settlement between the parties. The mediation shall be without prejudice to the rights and contentions of both the parties. The Respondent No.2 can participate in the mediation proceedings through video conferencing because he is not a resident of Mumbai.

(vi) Stand over to 23rd June, 2026.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)