

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

WRIT PETITION (ST) NO.18191 OF 2025

Anup Anil Gogate Petitioner

versus

Kshitija Anup Gogate & Ors. Respondents

.....

- Mr. Abhijit Sarwate, Advocate for Petitioner.
- Ms. Ameeta Kataria i/b. Mr. Haarsh Kataria, Advocate for Respondent No.1.
- Ms. Supriya Kak, APP for the State/Respondent.
- Kshitija Gogate, Respondent No.1 present through VC.
- Anup Gogate, Petitioner present through VC.

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

DATE : 29th APRIL, 2026

P.C. :

1. This is a Petition for writ of habeas corpus preferred by the father of a 11 year old child. By consent we are keeping this matter post vacation. However, the question is of access of the child to the father Petitioner during vacations.

2. Learned counsel for the Petitioner submitted that the Petitioner had already made an application for access during vacation before the Family Court at Pune. Learned counsel for

MANUSHREE
NESARIKAR

Digitally signed
by MANUSHREE
NESARIKAR
Date: 2026.05.04
14:53:34 +0530

the Respondent No.1 tendered a copy of the application dated 27/04/2026 filed by the Petitioner before the Family Court. When we perused the said application, there are certain averments in paragraph Nos. 4 and 5 in respect of proceedings before this Court. On the last occasion, i.e. on 23/04/2026, we had interviewed the son of the Petitioner and the Respondent No.1 in our chambers. We had interacted with him in the presence of learned APP. We had specifically mentioned that at this stage, we were deliberately not mentioning the gist of our interaction in the order as both the learned counsel prayed that the matter be listed on 29/04/2026 by consent.

3. Therefore, we had deliberately not said anything more than what was required on that day. In spite of that, the application filed by the Petitioner on 27/04/2026 makes unnecessary averments in paragraph Nos.4 and 5. When we pointed it out to the learned counsel for the Petitioner, he immediately stated in the Court that he would withdraw paragraph Nos.4 and 5 from the said application dated 27/04/2026. His statement is recorded and accepted. He

undertakes to delete those paragraphs from the said application filed before the Family Court as well. That statement is also recorded and accepted.

4. At this stage, it is necessary to note down as to what was the interaction with child. When we had interacted with the child, we found him to be an intelligent child. He was giving rational answers. We found him to be in a happy state of mind. He interacted with us in a pleasant way and we must note that he is an extremely intelligent child. On a specific question he informed the Court that he was happy staying with his mother and he would not like to get separated from her. He did not want to go to Singapore to stay with his father. He was also comfortable in meeting Petitioner's mother whenever she is in Pune. Thus, Petitioner's son's approach was quite matured for his age. We are noting down interaction with him for record.

5. As far as the question of access is concerned, since the Petitioner has already made an appropriate application before the Family Court in that behalf, it shall be decided on its own

merits without being influenced by pendency of this Petition. It shall be decided in accordance with law considering the best interest of the child.

6. Stand over to 24/06/2026.

7. It is made clear that this order is passed in open Court, in presence of learned counsel for the Petitioner as well as the Respondent No.1.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)