

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2525 OF 2014

Shri Shyamsunder Rajaram Yadav. ... Applicant.  
Versus  
The State of Maharashtra & ors. ... Respondent.  
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Mr. Indra Bahadur Singh, advocate for Applicant.

Mr. Arfan Sait, APP for State.  
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**CORAM : SMT.SADHANA S. JADHAV,J**  
**DATE : DECEMBER 20, 2014**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned  
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal  
Procedure, 1973. The applicant herein is arrested on 25/7/2013 in  
Crime No. 130 of 2013 registered at Dongri Police Station for offence  
punishable under Section 363A of the Indian Penal Code.

3 It is the case of prosecution that on 26/7/2013 the complainant who happens to be the senior citizen lodged a report alleging there that he resides alongwith foster son and his family. On 25/7/2013 the grand daughter of the complainant insisted upon him to sit on the swing. He had therefore, taken her to Wadi Bander bridge. At about 10.30 p.m. he was returning home. When he was descending the staircase, the applicant herein is alleged to have followed him. The applicant is alleged to have caught hold the hand of the minor girl who was about 4 years and 5 months. The complainant initially thought that the applicant was assisting the grand-daughter to descend from the staircase. But after they descended the stair case, he suddenly noticed that the applicant was trying to take away the minor girl and had proceeded further. He therefore, raised hue and cry. The applicant is alleged to have got angry and proceeded further. Upon hearing hue and cry, people had gathered there and they rescued the minor girl from the clutches of the applicant. The complainant had narrated the incident. At that time one person namely Firoz had informed the complainant that at about 10 p.m. same person was trying to kidnap a 3 years old daughter of Guddu

Panjwani. People had slapped him and thereafter he had made the second attempt.

4 By the recitals of the FIR and the papers of investigation, the offence under Section 363A of the Indian Penal Code is clearly made out.

5 The learned Counsel for the applicant submits that the applicant has been in jail since 26/7/2013.

6 In all probabilities, he is insane as is being tried to be shown in the remand yadi dated 21/7/2013. The application being sans merit is rejected. The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**