

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2301 OF 2017

Pushpa Purushottam Katharia ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.K.M.Sangani for the applicant.
Mr. R.M.Pethe, APP for the State.
Pradip Digambar Wani PI, Vikhroli Police Station, Mumbai.

CORAM: A.M. BADAR, J.
DATED: 6th NOVEMBER 2017

PC:-

1. The applicant/accused in Crime No.31 of 2017 registered with police station, Vikhroli for the offence punishable under Section 364-A of the Indian Penal Code by this application is seeking her release on bail after filing of the charge sheet.

2. Heard the learned advocate appearing for the applicant and the learned APP for the state. The learned APP by relying on statement of witnesses namely, Fyroz Shaikh and Sahanil Kathariaya has argued that the applicant had committed a crime in question pre-planned planning by

producing sim card and then making calls to the father of the victim child for demanding ransom.

3. I have carefully considered the rival submissions and also perused the entire charge sheet.

4. The applicant is a woman aged about 27 years. She is a friend of first informant Kamladevi Prajapati, who is mother of the victim named Rishabh, a child aged about 5 years. According to the prosecution case, the applicant was residing in the vicinity of the house of the first informant Kamladevi Prajapati. She was in visiting terms with the first informant.

5. It is the case of the prosecution that on 26.1.2017, the present applicant alongwith first informant Kamladevi Prajapati and three children of Kamladevi Prajapati had been to the garden named as 'Triconi garden' of the locality. The first informant Kamladevi Prajapati alongwith her two female child came back at about 7.20 p.m., whereas the third child of Kamladevi Prajapati namely Rishabh was with the

applicant. At about 7.45 p.m. there was a call to the husband of the first informant, informing him that his son is kidnapped and he should pay ransom of Rs.2 lakh by 10.p.m. The matter was reported to the police and that is how, according to the prosecution case from Nahur railway station the present applicant alongwith victim Rishabh were apprehended.

6. The applicant is a young woman. The victim of the crime in question according to the prosecution case came to be recovered from her custody unharmed and soon after the incident. Mother of the victim child was knowing the fact that the victim child is in custody of the present applicant. The investigation of the crime in question is over.

7. Considering the entire facts, situation in which crime in question allegedly took place, I am of the opinion that further pre-trial detention of the present applicant, she being a young woman, who had not done any overt act in respect of the victim child, is entitled to be released on bail. Therefore, the following order.

ORDER

- i) The applicant/accused in Crime 31 of 2017 registered with police station, Vikhroli for the offence punishable under Section 364-A of the Indian Penal Code be released on bail on executing P.R bond of Rs.25,000/- and on furnishing one or two solvent sureties in the like amount.

- ii) As a condition of this order, the applicant/accused should not contact to the members of the prosecuting party including the victim child in any manner.

- iii) The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her from disclosing such facts to the court or to the Police Officer.

- iv) The application is disposed of accordingly.

(A.M. BADAR, J)