

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1225 OF 2019**

Akhtari Rafique Sayyed

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Harshad Sathe with Mr. Saurabh Butala for the Applicant

Mr. V. V. Gangurde, A.P.P for the Respondent– State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019

P.C. :

1 Heard learned counsel for the applicant.

2 By this Application, the applicant seeks her enlargement on bail in connection with C. R. No. 610 of 2018 registered with the Kasturba Marg Police Station, Mumbai, for the alleged offence punishable under Section 370 r/w 34 of the Indian Penal Code as well as under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3 Learned counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused Kavita Chitiyala and

Suvarna Kopula have been enlarged on bail vide order dated 11th June 2019 passed in Bail Application Nos. 1139/2019 and 1409/2019.

4 Learned A.P.P does not dispute the fact that the role of the applicant is identical to that of the co-accused, who have been granted bail.

5 Perused the papers. According to the prosecution, the complainant had received an information from the Community Development Trust Child Line on 07.12.2018 that one person by the name— Akila Shaikh was about to sell her child near the Metropolitan Magistrate's Court, Borivali. Pursuant to the same, the police went near the Metropolitan Magistrate's Court, Borivali and surrounded the accused. Learned counsel for the applicant states that the applicant is, in no way, connected with the alleged sale of child by Akila Shaikh to one Laxmi Uthnuri. He submits that the applicant was only present when the police surrounded them, as the applicant had accompanied Akila Shaikh. The applicant is a lady and is in custody since 7th December 2018. The applicant has no antecedents.

6 Considering the aforesaid, the applications is allowed on the following terms & conditions :-

ORDER

- (i) The applicant be enlarged on bail, on executing P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

- (ii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (iii) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (iv) The applicant to cooperate with the conduct of the trial.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.