

Anand

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

BAIL APPLICATION NO. 1344 OF 2019

Rakhi Randhir Babre .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Mahendra R. Pisat, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C. R. No. 184 of 2017 registered with the Wagle Estate Police Station, Thane (West), for the alleged offences punishable under Sections 361, 363, 365, 367, 368, 370, 372 of the Indian Penal Code and under Sections 75 & 81 of the Juvenile Justice Act.

3. Perused the papers. According to the prosecution, co-accused No. 9 – Javed Momin sold the child to the Applicant and her husband for a sum of Rs. 1,50,000/-. Learned counsel for the Applicant

submits that the said allegation of the prosecution is false and baseless, inasmuch, as co-accused No. 9 – Javed Momin and his wife did not want the child and gave their child to the Applicant and her husband in adoption, as they knew each other, and that no consideration was paid. Learned counsel relied on the statement of Asma Javed (wife of co-accused No. 9 – Javed Momin). A perusal of the statement of Asma shows that the child in question was her third child and because of the expenditure that was being incurred on one of the child for his illness, the couple decided to give the child in adoption to the Applicant. She has stated that the child was given by her and her husband in adoption to the Applicant. She has stated that she learnt from the parents, after her husband's arrest that her husband – Javed had sold their child for sum of Rs. 1,50,000/-. The child was found with the Applicant and her husband. The Applicant has no antecedents. Investigation is complete and charge-sheet is filed. The child is now back with the real mother – Asma and father – co-accused No. 9 – Javed.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail 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 with 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 co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

(REVATI MOHITE DERE, J.)