

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

CRIMINAL BAIL APPLICATION NO. 12 OF 2020

Sunita Sunil Jadhav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Mahendra R. Pisal, Advocates for the Applicant.
Ms. J.S. Lohakare, APP for Respondent-State.
Mr. Sanjay Galve, P.S.I., Mumbra Police Station.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 13th FEBRUARY, 2020.

P.C.

Heard.

1. Applicant is seeking her enlargement on bail in Crime No. I - 577 of 2019 registered with Mumbra Police Station for the alleged offences punishable under Sections 317, 370, 34 of the Indian Penal Code, 1860 ("IPC" for short) and Section 80, 81 of Juvenile Justice Act (Care and Protection of Children) 2015.

2. It is alleged that the applicant facilitated and abated the mother (accused no.1) to sell her two months old male child to Sagar Khopkar (co-accused).

3. The investigation in the present case is over and the charge-sheet has been filed.

4. Prima-facie I am of the view, the applicability of provision under Section 370 of IPC to the facts of the present case *qua* applicant is debatable. Furthermore, as far as the provision under the Juvenile Justice Act 2015 are concerned, the offence under Section 80 of Act 2015 refers to offence wherein the prescribed procedure for adoption is not followed punishment may extend up to three years or fine or both; whereas Section 81 refers to sale or procurement of child for any purpose which is punishable for a term which may extend to five years and fine. It is informed by the prosecutor that the child which was allegedly given in adoption to Sagar Khopkar is no more.

5. Be that as it may, since the investigation is over and the trial may not commence in the near future and further in absence of any criminal antecedents of the applicant, the applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.50,000/- with one or more sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer to the concerned police station once in month on Monday of 1st week commencing from March, 2020 between 11 am. to 1 pm. till the charge is framed;

(iii) The applicant shall furnish the particulars of her residential address as well as permanent address and contact details to the

investigating officer within seven days from the date of her release on bail;

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

6. The application is allowed in the aforesaid terms and disposed off.

7. It is made clear that observations made hereinabove shall be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)