

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY**

**:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 1568 OF 2020

Between:

Kota Maruthi Samanthka Mani, (Accused No.6) W/o. Kota Ramakrishna, aged about 41 years, Brahmin Caste, Occ: Housewife, R/o.# H No16-11-361/P, SBI Officers Colony, Moosaram Bagh, Hyderabad, N/o Ramalayam Veedhi, Ayodhya Nagar, Vijawayada.

....Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.

....Respondent/Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner on bail in Crime No.72/2020, dated 27/01/2020, on the file of the Station House Officer, Police Station Alwal.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.S.SRIDHAR Advocate for the Petitioner and ADDL.PUBLIC PROSECUTOR (TG) Advocate for the Respondent, the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.1568 OF 2020

ORDER:

This is an application for regular bail. The petitioner is accused No.6 in Crime No.72 of 2020 of Alwal Police Station, Pet Bashceerabad, Cyberabad. The offences alleged against the accused in the said crime are under Sections 363, 370 and 420 read with 34 I.P.C. and Sections 80 and 81 of Juvenile Justice Act, 2015.

2. Heard the learned counsel for the petitioner/A6 and the learned Additional Public Prosecutor for the respondent/State. Perused the record.

3. It is relevant to note that earlier, the petitioner/A6 was arrayed as A2 and the police, on investigation, considering the order of gravity of roles played by each of the accused persons, arrayed the petitioner as A6 thereafter.

4. It is the case of the prosecution that the petitioner/A6 involved in the offence of selling a female baby on commission basis. According to the prosecution, A1 informed the petitioner/A6 that he would sell the female baby for Rs.2,00,000/-. Since the petitioner/A6 was not having funds, she has appraised the same to A7 and told that they can sell the baby to needy couple for Rs.50,000/- more than their investment. As such A7 pledged her jewellery and brought Rs.2,00,000/-. The same was informed to A1, who brought A8 along with the female baby and handed over to A7 on 24.01.2020 and took Rs.2,00,000/- from her. It is also the case of the prosecution that A1 paid Rs.30,000/- to A8 and

retained the balance amount with him. After a couple of days, a childless couple approached A1 for a baby, over which he has again contacted the petitioner/A6 and offered to give Rs.2,50,000/- for that baby. Since the petitioner/A6 could not sell the female baby in time, she agreed to sell the female baby to A1. As per the directions of A1, A6 and A7 brought the female baby to Mangapuram Colony on 27.01.2020 in the evening and were waiting to sell the female baby to A1. According to the prosecution, the petitioner/A6 played active role in selling the female baby and she has acted as commission agent.

5. Learned counsel for the petitioner/A6 would contend that as per the contents of F.I.R. as well as the Remand Case Diaries, the petitioner/A6 has not received any amount from any person, including A1 and in fact, A1 has offered an amount of Rs.2,50,000/- for the said female baby. He would further submit that there is no role of the petitioner/A6 and she never committed any offence. He would further submit that though the petitioner/A6 is arrayed as A2 initially, on investigation, considering the gravity of the roles played by each of the accused, the petitioner was arrayed as A6 thereafter by the police. He would further submit that the petitioner/A6 is in judicial custody from 27.01.2020 and she is aged about 41 years. With the said contentions, learned counsel for the petitioner/A6 prayed for grant of regular bail to the petitioner/A6.

6. On the other hand, learned Additional Public Prosecutor would submit that the offences alleged against the petitioner/A6

are very serious in nature and she has played an active role in selling the female baby. He would further submit that an offer was made to the petitioner/A6 for Rs.2,50,000/- by A1 and thus, the same would reveal the role played by the petitioner/A6 in the entire offence. Therefore, according to him, there is every possibility of the petitioner/A6 interfering with the investigation and influencing the witnesses.

7. On a perusal of the entire record, including the first Remand Case Diary, dated 28.01.2020, and the second Remand Case Diary, dated 06.02.2020, it is not in dispute that the police on investigation, considering the gravity of the roles played by each of the accused, arrayed the petitioner as A6, though she was initially arrayed as A2.

8. The allegations levelled against the petitioner/A6 are that A1 informed her that he would sell a female baby for Rs.2,00,000/-. Since the petitioner/A6 is not having sufficient funds, she has informed the same to A7, who by giving Rs.2,00,000/- purchased the female baby from A1. Thereafter, A1 again contacted the petitioner/A6 and offered to give Rs.2,50,000/- for the said female baby. Thus, the aforesaid allegations, *prima facie*, show the role of the petitioner/A6 in the entire offence. However, the petitioner/A6 is in judicial custody from 27.01.2020 and she is a woman aged about 41 years.

9. Considering the above said facts and also the fact that the petitioner/A6 is in judicial custody from 27.01.2020 and on

investigation, police considering the role played by the petitioner/A6 changed the Sl.No. of the petitioner from A2 to A6, this Court is inclined to grant regular bail to the petitioner/A6 on certain conditions.

10. Accordingly, the Criminal Petition is allowed and the petitioner/A6 shall be enlarged on bail on the following conditions:

i) The petitioner/A6 shall execute a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of XXIII Metropolitan Magistrate, Cyberabad, Medchal.

ii) After release on bail, the petitioner/A6 shall report before the Station House Officer, Alwal Police Station, on every Sunday between 10:00 AM to 05:00 PM till completion of investigation and filing of final report.

iii) The petitioner/A6 shall not interfere with the investigation directly or indirectly.

iv) The petitioner/A6 shall co-operate with the Investigating Agency.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Sd/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The VIII Additional Sessions Judge, Ranga Reddy District at L.B.Nagar.
2. The XXIII Metropolitan Magistrate, Cyberabad at Medchal.
3. The Superintendent, Central Prison, Chanchalguda Jail, Hyderabad.
4. The Station House Officer, Alwal Police Station, Cyberabad.
5. One CC to SRI.S.SRIDHAR Advocate [OPUC]
6. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

KLJ

DATED: 20.03.2020

CRL.P.NO.1568 OF 2020

BAIL

