

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 657 OF 2022

Nanda Devidas Udawant	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Ms Manisha D. Deshmukh, Advocate h/f Mr. S. G. Bobde, Advocate
for applicant

Mr. N. T. Bhagat, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 19th JULY, 2022

PER COURT :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0362/2021, registered with Mukundwadi Police Station, Aurangabad, District Aurangabad, for the offences punishable under Sections 370(4), 370(5), 323, 324 r/w 34 of the Indian Penal Code and under Section 11 of the Prevention of Maharashtra Begging Act, 1959 and under Sections 75, 76, 80, 81 of the Juvenile Justice Act.

2. Heard. Perused the First Information Report (FIR) and the related papers.

3. The FIR has been lodged by one Devraj Veer, a social worker. He is resident of Sanjaynagar, Mukundwadi, Aurangabad. It was in the month of September, by 2.00 p.m., he received a phone call of his maternal Aunt – Kantabai. The informant was told that one woman, at her residence at Ramnagar was assaulting a child. The informant, therefore, went there. A group of persons had already gathered there. It was a house of one Janabai Jadhav (accused No.1). One Leelabai Bagul, residing in the neighbourhood of Janabai, told the informant that Janabai would frequently beat up the children in her house. The informant, therefore, inquired with Janabai as to why did she behave with the children such a way. There were two children. One of them was 4 - 5 years old. The other one was 1½ years age. On inquiry with elder one, their identity was revealed as one Satish Pagare and other one being Shahrukh. Satish was given a biscuit and cake. Satish told the informant that Janabai is not his grandmother. His mother stays at Devgaon and father in Rajasthan. He told that Shahrukh is his younger brother. The informant, therefore, told everything to his friend one Shri A. A. Khan, who is in police service. It was revealed from Satish that

Janabai had bought him for Rs. 4 – 5 lakh from his parents. Janabai ill-treats the children. She would buy children for begging. It was also found that she (Janabai) ill-treat the children many ways. Such as, beating, starving, forcing them to sleep in bathroom. Their bath water used to be laced with urine. Based on such information, the crime therefore came to be registered against Janabai and one Savita Pagare.

4. During investigation of this crime, it was revealed that the applicant herein had acted as an agent for purchase of a boy by Janabai from one Pooja Mukesh Katariya. Pooja's statement has been recorded. She has stated therein that the applicant herein is her distant maternal Aunt. About nine months before September 2021, the applicant had been to her. She asked Pooja Katariya to allow her son to be kept with her (applicant) for his education. She assured her to take care of future of her son. She further assured her to ensure her son would be a Police Officer.

5. The learned Advocate for the applicant would submit that the applicant's name doesn't figured in the FIR. It is only during investigation, her alleged role in the offence in question, came to

light. The applicant is a poor woman. She has two minor children to look after them. Investigation of the crime is over. She, therefore, urged for grant of bail.

6. The learned APP would, on the other hand, submit that it is a serious offence. The applicant doesn't deserve sympathy. He, therefore, urged for rejection of the application.

7. Perusal of the police papers indicate that main culprits are the co-accused Janabai and Savita. The applicant herein has acted as go between for purchase of a boy by Janabai from the boy's mother (Pooja). The same has transpired during investigation.

8. This Court do not propose to make any observations as regards merits of the case. The applicant is a woman. She has two minor children. On investigation of the crime, the charge-sheet has been filed. She is behind the bars for little over ten months. It will take time for commencement of trial and conclusion thereof. Hence the order:-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0362/2021, registered with Mukundwadi Police Station, Aurangabad, District Aurangabad, for the offences punishable under Sections 370(4), 370(5), 323, 324 r/w 34 of the Indian Penal Code and under Section 11 of the Prevention of Maharashtra Begging Act, 1959 and under Sections 75, 76, 80, 81 of the Juvenile Justice Act, on her executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]