

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

BAIL APPLICATION NO.1308 OF 2022

Suresh s/o. Bhanudas Lakhole	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.A.D.Gade, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 16, 2022**

ORDER :-

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 learned counsel appearing for the parties.
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 Lakhs 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.

5. The learned counsel for the applicant would submit that the applicant's name doesn't figure in the FIR. It is only during investigation, his alleged role in the offence in question, came to light. The applicant is a labour. Investigation of the crime is over. He, therefore, urged for grant of bail.

6. 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 the main culprits are the co-accused Janabai and Savita. The applicant herein has acted as an agent for purchase of a boy by Janabai from the boy's mother (Pooja). His involvement is only in connection with purchasing of said boy. The same has been transpired during investigation.

8. This Court do not propose to make any observations as regards merits of the case. On investigation, charge sheet has been filed. The applicant is in jail for little over one year. It will take time for commencement and conclusion of the trial.

9. Hence, the following 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.1,50,000/- (Rupees One Lakh, Fifty Thousand) with surety bond of the like amount.

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

(iv) The applicant shall not indulge in similar offence.

[R.G. AVACHAT, J.]

KBP