

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2112 OF 2022

Jyoti Ashok Bansode .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Rahul Arote for the Applicant.
Ms.Veera Shinde, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 29th SEPTEMBER, 2022

P.C:-

1. The applicant, who is a mother of 11 years old girl, came to be arrested on 16/02/2022, on being arraigned as an accused in C.R.No.39 of 2022, which invoke Sections 363, 365, 370 of the Indian Penal Code. On completion of investigation, the charge-sheet is filed.

2. The case of the prosecution is that the son of the complainant, aged 5 years, went missing on 16/02/2022 and he lodged the report. The boy was rescued from Boisar Railway Station on the same day and handed over to the complainant.

The applicant is a lady residing in a neighbourhood of the victim boy and she has a daughter, aged 11 years. The victim boy and her daughter used to play in the precinct of the

locality and the case of the applicant is that on the day on which the boy went missing, he was playing with her daughter, but since she wanted to visit Boisar, she asked her daughter to drop him at his house, but since the daughter was apprehending that the mother would leave without her, she requested her mother to take the boy alongwith them, since by evening they are going to return. Her version is that when the boy was accompanying them, he went missing from the station and she came back without the boy.

3. The prosecution has recorded a statement of the minor daughter of the applicant, who has partly corroborated the version of the applicant, but she has stated that her mother had dropped the boy at the side of the road and they returned back. Since, no motive is attributed to the applicant to kidnap the young boy and, since, the prosecution has, *prima facie*, failed to establish it's case under Sections 365 and 370, and since the applicant faces an accusation of kidnapping and on conviction, she may suffer an imprisonment for a term, which may extend to seven years, the consequences of which, she may take at the time of trial, on completion of investigation, her further incarceration is not necessary.

4. Needless to state that the observations made above are, *prima facie*, in nature and limited to the extent of adjudication of the present application and the learned Judge trying the applicant for the offences with which he is charged, shall not get influenced by the above observations, in any manner.

Hence, the following order.

: **ORDER** :

- (a) Application is allowed.
- (b) Applicant -Jyoti Ashok Bansode shall be released on bail in connection with C.R.No.39 of 2022 registered with Mankhurd Police Station on furnishing P.R. Bond to the extent of Rs.20,000/- with one or more sureties in the like amount.
- (c) The applicant shall mark her attendance before the concerned police station on first Monday of every month between 3.00 p.m. and 5.00 p.m. till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(**SMT. BHARATI DANGRE, J.**)