

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3140 OF 2021

Rita Pradeep Aadak .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mrs. Anjali Patil for the applicant.

Mr. S.H. Yadav, APP for the State.

API Shri D.N. Dhole from Mahatma Phule P.stn, Kalyan present.

CORAM: BHARATI DANGRE, J.

DATED : 28th JULY, 2022

P.C:-

1 The applicant came to be arrested on 13/6/2021 in connection with C.R.No. 438/2021 registered with Mahatma Phule police station, Kalyan, invoking offence punishable u/s.363, 370 r/w Section 34 and Section 80 and 81 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

2 On completion of investigation, charge-sheet has been filed against four accused persons.

3 The complaint came to be registered on a narration of the mother of six month old child, was found to be missing when the mother along with the child was sleeping outside a shop in

Mohammed Ali chawl. On 6/6/2021, at around 1.00 p.m, she learnt that her children were present there, but the small child, aged 6 months is missing. She, therefore, expressed her apprehension to the police that some unknown person has kidnapped her son. The child was traced on 8/6/2021 and he was handed over to the mother by the five persons who were arraigned as co-accused and in her supplementary statement of 10/6/2021, the complainant specifically state that the police had traced her child from the five persons whom she had named in her statement, and the custody of the child was handed over to her.

4 Learned counsel Mrs.Patil would submit that as far as the present applicant is concerned, she is not named by the complainant in the supplementary statement and the only role attributed to her is to the effect that co-accused Heena Farhan Majid had forwarded some photographs of the minor child to her and she had also shown the child on video call.

On arrest, the mobile phone of the applicant came to be seized, but no such recording or photographs were recovered. The mobile phone has been sent for analysis.

5 In the wake of the above material, when the applicant cannot be accused of kidnapping the child, or either an offence u/s.370, she deserve her release on bail. Hence, the following order :-

ORDER

- (a) The Applicant – Rita Pradeep Aadak in connection of C.R.No.438/2021 registered with Mahatma Phule police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall attend the trial regularly unless and until exempted by the trial Court.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)