

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.850 OF 2022

Sukhdeo S/o Keshorao Doye

Versus

State of Maharashtra, through P.S.O., P.S. Gondia City, Tah. & Dist. Gondia

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vishnu B. Gawali, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/08/2022

1. The applicant is seeking bail in connection with Crime No.160 of 2022, dated 01.03.2022, registered with Police Station Gondia (City), District: Gondia, for the offences punishable under Sections 363, 370 read with Section 34 of the Indian Penal Code and Sections 75, 80 and 81 of the Juvenile Justice (Care and Protection of Children) Act.

2. Shri Gawali, learned counsel for the applicant submits that in this case, the charge-sheet has been filed and after going through the charge-sheet, it can be seen that there is nothing incriminating against the applicant to suggest that the applicant is involved in any offence under Sections 363 and 370 of the IPC and Sections 75, 80 and

81 of the Juvenile Justice (Care and Protection of Children) Act.

3. It is submitted that except the signatures of the applicant on the Adoption Deed as a witness, which is not sufficient to attract any such offence, there is no evidence to connect the applicant with the alleged offence. It is further submitted that there is no criminal antecedent to the discredit of the applicant. Accordingly, he prays for grant of bail.

4. On the other hand, Shri V.A. Thakare, learned APP opposes the present application and submits that the offence is very serious and the maximum punishment is life imprisonment.

5. It is submitted that in the charge-sheet, the role of the applicant is specifically mentioned and it shows that he was acted as a middle man in an alleged transaction of sell of child. Thus, he submits that this is not a fit case for grant of bail. Accordingly, he prays for rejection of the present application.

6. I have perused the Charge-sheet and First Information Report (FIR).

7. Except the fact that the applicant had signed as a witness to the Adoption Deed, there is nothing incriminating against the applicant to *prima facie* show that he is involved in this offence.

8. The summary which was submitted at the time of filing of the charge-sheet though labelled the applicant as a middle man however, *prima facie* there is no material to show that he acted as a middle man in the sell purchase of the minor child.

9. The applicant is in jail from 07.03.2022 and as the investigation is completed, as such, I am of the opinion that considering the role of the applicant and further the fact that similarly circumstanced co-accused namely Anita Hatwar, was already released on bail, the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.160 of 2022, dated 01.03.2022, registered with Police Station Gondia (City), District: Gondia, for the offences punishable under Sections 363, 370 read with Section 34 of the Indian Penal Code and

Sections 75, 80 and 81 of the Juvenile Justice (Care and Protection of Children) Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]