

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

CRIMINAL APPLICATION (BA) NO.1107 OF 2022

Sou. Dr. Kalyani S/o David Thomas and another .Vs. State of Maharashtra, through
P.S.O., P.S. Sadar

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

Court's or Judge's Order

Shri Lubesh Meshram, Advocate for the applicants.
Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 07/12/2022

1. Heard.
2. The applicants are seeking bail in Crime No.217 of 2022, registered with Police Station: Sadar, District: Nagpur, for the offences punishable under Sections 370(4) read with Section 34 of the Indian Penal Code.
3. In this case the prosecution story is that, on 31.05.2022 the informant Arti Chavhan, Women Police Constable lodged a report on the basis of trap conducted on 30.05.2022. As per said report it is submitted that on the basis of secret information that one infant is about to be sold by the accused persons, a punter was arranged and trap was laid.
4. Accordingly, the trap team including punter and panch No.1 Prashant met the accused women at the

said spot where the said transaction took place and the custody of the infant was taken and same came to be examined. Upon inspection, it was found to be a baby girl of 4 to 5 days old. Thereafter, the woman was taken into custody who disclosed that she received the said infant baby from one Mangala Tambe who further disclosed that she received the said infant from one Ratna Bhalandar. Accordingly, police interrogated said Ratna who disclosed that she received said baby from one Bipin. Immediately thereafter upon further enquiry with said Bipin he disclosed that he received said infant child from one Amol Rangari. Thereafter Amol also came to be interrogated who disclosed police that said baby is received from the present applicant i.e. Dr. Kalyani David Thomos.

5. In this crime after completion of the investigation, the charge-sheet has been filed. There are no criminal antecedent to the discredit of the applicants.

6. The biological parents of the child are made accused in this case. The learned APP while opposing the present application has relied upon the statements of biological parents however, the said statements are not the part of the charge-sheet. It is submitted that as the biological parents are the accused, it is not necessary that there statements should be the part of the charge-sheet.

7. Be that as it may, considering the material collected by the Investigating Officer during the investigation and the fact that, the investigation is over and the charge-sheet has been filed, I am of the opinion that further custody of the applicants are not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicants shall be released on bail in Crime No.217 of 2022, registered with Police Station: Sadar, District: Nagpur, for the offences punishable under Sections 370(4) read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- each with one solvent surety in the like amount for each of the applicants.
- c) The applicants shall attend the concerned Police Station as and when their presence is required.
- d) The applicants shall not tamper with the prosecution witnesses.

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

JUDGE