

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

BAIL APPLICATION NO.1260 OF 2023

Savita w/o Ram Poul

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...
Mr. Mahesh P. Kale, Advocate for the applicant.

Mr. S.P. Deshmukh, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 18, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant seeks bail in Crime No.31 of 2023 registered with Palam Police Station, District Parbhani for the offence punishable under Sections 363, 363(A), 365, 368, 370, 120(B) r/w 34 of the Indian Penal Code.

3. A boy of 4 years was suddenly disappeared from the shop of co-accused Govind and found in a car which was intercepted at Telangana border. That time, the applicant was also found in the said car. Since she was found in the car with a boy which was kidnapped, she has been arraigned as an accused. She has a case that co-accused Govind took her telling that they are going for Devdarshan. She has a case that she had no knowledge that the said

boy was kidnapped. She has no business with co-accused Govind. There is no material against the applicant showing that she was involved in child kidnapping syndicate. She is married having a child. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, she may be granted bail.

4. Learned APP opposed the application. He would contend that the offence is serious. The applicant has played an active role in kidnapping the child for human trafficking. She also hails from the same village so she must have knowledge that the child was not of co-accused Govind. Considering the role attributed to the applicant and the gravity of the offence, she may not be granted bail.

5. As per the prosecution case, she was barely found present in the car in which the child was taken by co-accused Govind. The child was lastly seen in the company of co-accused Govind and suddenly disappeared. Hence, the mother of the child lodged the report. Therefore, the police intercepted the car in which the child, co-accused Govind and the applicant were present. Except her presence in the car, there is no material against her showing that she was involved in similar crime. She has a child. She is languishing in jail since March 2023. Nothing is to be recovered from her. Considering her role, the Court is of the view that she deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Savita w/o Ram Poul, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that she shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.
- (iv) The applicant shall not contact the victim boy and his family as well as co-accused Govind till conclusion of trial.

(S.G. MEHARE, J.)