

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

BAIL APPLICATION NO.1428 OF 2023

RANJIT S/O PRASAD MELAM,
R/o Nandmoru, Tq. Udunder Mandalam.
VERSUS
THE STATE OF MAHARASHTRA.

...
Mr. G.R. Syed, advocate for applicant.
Mrs. P.V. Diggikar, APP for Respondent-State.

...
CORAM : S. G. CHAPALGAONKAR, J.

...
Reserved on : September 20, 2023
Pronounced on : October 05, 2023.

...
PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.97 of 2022 dated 1.4.2022 registered with Kotwali police station, District Parbhani for the offences punishable under sections 363, 368, 370, 202 read with section 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Safiya Begum stating that she resides at Ekminar Masjid Durgah Road, Parbhani. Her son Aadish had gone in lane abutting to home with a child namely Yasin. After two hours Yasin returned home, however, Aadish was missing. The informant searched for him at public places and with the relatives, however, could not trace him. Accordingly, she lodged a report suspecting that unknown culprit kidnapped her son. On the basis of the aforesaid report, offence u/s 363 of IPC has been registered against unknown person.

aaa/-

3. The investigation progressed in the crime. During the course of investigation, Aadish is traced out. The applicant has been arrested on 20.3.2023 suspecting his involvement in the commission of offence and since then he is behind bar. On completion of investigation charge-sheet is filed. In nutshell, it is case of prosecution that victim was kidnapped by accused Noorjahan Begum with the help of her son (a child in conflict with law). Thereafter, she handed over victim to accused Parvinbee @ Sultana who took him to Secunderabad. Thereafter, she contacted with accused Rudresh Warang and handed over the victim to him. Accused Rudresh Warang and his companion accused Eati Trinath, handed over the victim to accused Addagalla Laxmi Durga @ Sanampudi. They transferred victim to accused Silam Prabha, who kept him with her for some days. Thereafter, she made contact with accused Ranjithkumar Melam. The accused Ranjithkumar Melam with the help of accused Shilpa Irgadindla handed over the victim to witness Sayyed Saleha, r/o Visannapeth, Andhra Pradesh and recovered sum of Rs.3,00,000/- and distributed amongst themselves.

4. Mr. Syed, learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the crime. Perusal of entire charge-sheet would show that there is no admissible evidence against the applicant. Case of the prosecution is based on assumption, presumption and surmises. The prosecution is relying upon the CDR and mobile locations. Allegations against the applicant is limited to the extent that he received victim from Silam Prabha and handed over to accused Shilpa Nagaraju Irgadindla. However, such allegations are not supported by
aaa/-

evidence. The learned advocate appearing for the applicant would submit that the applicant has been arrested on 20.3.2023. He is behind bar for more than six months. Investigation in crime is over. The offence under section 370 cannot be made out in the facts of the case. Other offences are not punishable for death or imprisonment for life. He would submit that further detention of the applicant is not necessary. The applicant would follow the conditions of bail.

5. Per contra, learned A.P.P. strongly opposes the application. She would submit that the applicant has played major role in commission of offence. He played important part in transfer of the victim from Secunderabad towards Vijayawada and further handed over the child to the accused Shilpa. She would submit that mobile, CDR and location of the applicant/accused supports the prosecution case. Therefore, she urges to reject the prayer for bail.

6. Having considered the submissions advanced, apparently, the applicant is alleged to have acted as an important link between the offenders giving effect to the crime in question. The applicant alleged to have played his role alongwith the accused Shilpa, who handed over the child to witness Sayyed Saleha and recovered a sum of Rs.3.00 Lakh. In support of allegations against the applicant, prosecution relies upon the mobile CDR and location of the applicant at the relevant time. As per the prosecution case, depicted in the charge-sheet, the applicant was in touch with the accused Silam Prabha and Shilpa Irgadindla. Mobile location and CDR are confirmatory documents to establish the link. However, there is no other connecting evidence that would establish the
aaa/-

complicity of the applicant in commission of the offence. There is nothing to indicate that there was any money trail between applicant and other accused persons as has been observed in respect of other accused persons in this crime. The prosecution relies on alleged information given by co-accused persons. However, no such confessional statement is placed on record. Merely on the basis of CDR location or history of mobile communications, it would be difficult to accept complicity of applicant in commission of offence. Even assuming conversation of applicant with the co-accused in relevant period, there is nothing to infer that it was in pursuance of the crime in question. The applicant is behind bar since 20.3.2023. Further detention of the applicant based on aforesaid evidence would not be necessary. Hence, case is made out for grant of bail. Hence, the order.

ORDER

- i. Criminal Bail Application is hereby allowed.
- ii. The applicant - RANJIT S/O PRASAD MELAM be released on bail in connection with Crime No.97 of 2022 dated 1.4.2022 registered with Kotwali police station, Parbhani, District Parbhani for the offences punishable under sections 363, 368, 370, 202 read with section 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.1,00,000/- (Rs. One Lakh) on the following conditions: -
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.

aaa/-

- c] The applicant shall furnish his address and contact numbers with the concerned police station and update the same on regular basis.
 - d] The applicant shall also furnish his detail address and mobile number with the local police station within whose jurisdiction he resides and update his contact numbers and address with such police station till disposal of the trial and furnish compliance to the trial court within 30 days after his release on bail.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

...