

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

BAIL APPLICATION NO.1429 OF 2023

Addagalla Laxmi Durga @ Sanampudi Addagulla
Satyanarayan, r/o Survaram Kashi Nagaram, Chinnabandirevu,
Bhadrad, Kothagudem (Telangana State)

VERSUS

THE STATE OF MAHARASHTRA
Through Kotwali Police Station, Parbhani.

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

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CORAM : S. G. CHAPALGAONKAR, J.

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

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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.

3. The investigation progressed in the crime. During the course of investigation, Aadish is traced out. The applicant has been arrested on 8.3.2023 suspecting her involvement in the commission of offence and since then she 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 Ranjitkumar Melam. The accused Ranjitkumar 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 locations history. Allegation against the applicant
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is limited to the extent that she received victim from Silam Prabha and handed over to accused Shilpa Nagraju Irgadindla. However, such allegations are not supported by evidence. The learned advocate appearing for the applicant would submit that the applicant has been arrested on 8.3.2023. She is behind bar for more than six months. Investigation in crime is over. The offence under section 370 has no application in the facts of the case. Other offences are not punishable for death or imprisonment. He would further submit that detention of the applicant is not necessary. The applicant shall follow the conditions of bail.

5. Learned A.P.P. strongly opposes the prayer for grant of bail. She would submit that the applicant played an important role in the chain of offenders. She received the victim from accused Rudresh Warang and Eati Trinath. Then handed over victim to accused Silam Prabha, who with the help of accused Ranjit Kumar Melam handed over custody of child to Shilpa Irgadindla, who transferred victim to witness Sayed Saleha and collected sum of Rs.3,00,000/- (Rs. Three Lakh) which is distributed amongst accused persons. She would further submit that the account statement of the applicant at SBI and the CDR showing communication with the accused Silam Prabha and other information gathered during the course of investigation is sufficient to establish complicity of the applicant in commission of crime. Hence, she urges to reject the prayer for bail.

6. Having considered the submissions advanced, apparently, allegation against the applicant is that she acted as middle agent in the chain of offenders, who have conspired to
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give effect to the crime. So far as the applicant is concerned, allegations against her are that accused Rudresh Warang and Eati Trinath handed over the victim (Aadish) to her and she transferred him to accused Silam Prabha. To substantiate the aforesaid allegations, the prosecution relies upon the circumstances that the applicant was in contact with accused Silam Prabha through her mobile phone. Her account statement with State Bank of India is made part of the charge-sheet, which depict that on 16.4.2022 she has transferred an amount of Rs.44,000/- to Rudresh Warang and Rs.4,000/- to Silam Prabha. So also, she has transferred Rs.35,000/- and Rs.5,000/- to Silam Prabha on 6.5.2022 and 15.5.2022 respectively. She received Rs.50,000/- from Silam Prabha on 23.5.2022 in her Bank account with State Bank of India. Mobile CDR shows that the applicant was in contact with accused Silam Prabha, to whom the victim was handed over. If, this evidence is taken into account, prima facie, there is sufficient material by which complicity of the applicant in commission of offence can be gathered. The offences are serious in nature and provide for the life imprisonment. The money trail as observed from the bank statements depicts that the applicant hatched conspiracy alongwith other accused and indulged in the offence for financial gain. The accused Shilpa, who is last in the chain received an amount of Rs.3.00 Lakh from witness Sayyed Saleha and distributed the same amongst other accused persons. The applicant is resident of State of Telangana. It would be difficult to secure the presence of the applicant during the trial. Hence, no case is made out for grant of bail. Hence, the order.

ORDER

Bail Application is hereby rejected.

(S.G. CHAPALGAONKAR J.)

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