

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

BAIL APPLICATION NO.1430 OF 2023

Ranjit Prasad Melam

Age: 28 years, Occu: Labour

R/o: Nandmoru, Tq: Udungthur Mandalam,

Dist: Krushna (Andhra Pradesh)

Presently residing at Ramlingeshwar Nagar,

Vijaywada [Andhra Pradesh State]

... Applicant

Versus

The State of Maharashtra

Through Kotwali Police Station,

Parbhani Tq: & Dist. Parbhani

... Respondent

...

Mr. G. R. Syed, Advocate for the Applicant

Mrs. P. V. Diggikar, APP for Respondent/State

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CORAM : S. G. CHAPALGAONKAR, J.

Reserved On : 20.09.2023

Pronounced On : 05.10.2023

FINAL ORDER :-

1. Heard the learned Advocate appearing for the applicant and the learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.29/2022, registered with Kotwali Police Station, District Parbhani for the offences punishable under Sections 363, 368, 370, 202 r/w Section 34 of the Indian Penal Code [for short 'IPC'].
3. The investigation was set in motion on the basis of complaint

given by one Md. Yusuf Md. Haider alleging that he resides at Ajmer Colony near graveyard, Parbhani along with his wife Salikha and son Haider. On 05/02/2022, he had been to sell sweets, at about 6:00 pm, his wife given him a telephonic call and informed that, their son Haider is not seen at home since morning 10:00 am. Immediately, the informant and his wife searched of their son with neighbours, relatives and various public places. However, whereabouts of their son could not be gathered. It is therefore alleged that, some unknown persons must have kidnapped his son. The investigation is progressed in pursuance of the aforesaid crime. During the investigation, the victim / Haider was found with witness – Shaikh Nagulmeera Shaikh Maulali and his wife Shaina Begum, resident of Deshpalam Mandal, District NTR Andhra Pradesh. The child brought back after his medical examination and handed over to the parents. It is also alleged that the accused – Praveenbee @ Sultana along with her sister Noorjahan had kidnapped the minor child from Ajmer Colony. Thereafter, in connivance with the accused - Sangeeta @ Geeta @ Ruksana w/o Anand Pancholi [present applicant] took the child to Hyderabad in a Etios car bearing registration No.MH-20-DF-0109. The accused persons thereafter took the victim to accused – Rudresh Warang at Vijaywada. All of them proceeded to accused – Shravni Padala and Ranjit Prasad Melam. Thereafter, accused – Shravni Padala and Ranjit Prasad Melam contacted with accused – Shilpa Nagraju and the accused persons with help of accused – Shilpa Nagraju handed over the victim to Shaikh Nagulmeera under the

pretext that the parents are giving him in adoption to the witness - Shaikh Nagulmeera.

4. It is further alleged that on 14/02/2022, the accused - Shilpa received cash amount of Rs.3,00,000/- from the witness and distributed the same amongst themselves.
5. The applicant - Ranjit Prasad Melam has been arrested on 07/03/2023. Since then, he is behind the bars. His application for grant of bail has been rejected by the learned Additional Sessions Judge, Parbhani vide order dated 28/06/2023. Hence the present bail application.
6. Mr. G. R. Syed, learned Advocate appearing for the applicant submits that the applicant has been falsely implicated in the aforesaid crime. No specific role is attributed against him. The FIR was against the unknown persons. The allegation of kidnapping the victim is against the accused - Pravinbee, her sister - Noorjahan and accused - Sangeeta. In fact, some role is attributed against the wife of the applicant, namely, Shravni Padala and only because of that the applicant is made as an accused. Mr. G. R. Syed would further submit that the entire case of prosecution is based on assumption and presumption. The investigation is complete and the charge-sheet is also filed. The applicant is behind the bars since 07/03/2023. The further detention of the applicant would not be necessary. The applicant is ready to co-operate in the investigation and to abide by any conditions as imposed by this Court. He would therefore urge to release the applicant on bail.

7. Learned APP strongly opposes the prayer in the application. She would submit that the applicant has played an important role in commission of offence. She would point out that the applicant along with accused – Shravni Padala worked as a important chain between the main accused and accused – Shilpa and finally, the victim was sold to the witness – Nagulmeera and his wife. She would submit that the applicant has received a financial gain from such transactions. As such, the applicant has played the major role in giving effect to the crime. She also submits that his involvement has been found in another crime of similar nature. Therefore, she urges to reject the bail application.
8. Having considered the submissions advanced, it is apparent that, the main accused – Pravinbee in connivance with her sister Noorjahan and co-accused – Sangeeta kidnapped the victim and transported him to Secundrabad. With the help of the applicant and his companion – Shravni Padala, the child was further handed over to the accused – Shilpa at Jaggaiahpet, who was sold the child to the witness – Shaikh Nagulmeera. The statement of the witness – Shailesh Agarwal would show that the amount of Rs.40,000/- each has been received from the accused – Ranjit Kumar and Shravni Padala through phone-pay, which was to be paid to the accused – Sangeeta @ Geeta @ Ruksana.
9. The CDR locations and the information received from the co-

accused persons show the complicity of the applicant in commission of offence. Although there is no direct evidence describing the role of the applicant, he was a companion of Shravni Padala in the crime. The involvement of the applicant has also found in the similar offence.

10. The applicant is resident of Nandmoru, Tq: Uduvurthur Mandalam, Dist: Krishna (Andhra Pradesh). As apprehended by the prosecution, it would be difficult to secure his presence during the trial. In that view of the matter, no case is made out for grant of bail. Hence, the application stands rejected.

[S. G. CHAPALGAONKAR]
JUDGE