

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

BAIL APPLICATION NO.1432 OF 2023

EATI TRINATH VYANKATRAO
R/o Saundarya Park, Suryanagar, Hyderabad (Telangana State)
VERSUS
THE STATE OF MAHARASHTRA
through Kotwali Police Station, Parbhani.

...
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.

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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 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 locations. Allegations against the applicant is limited to the extent that the applicant received child from Silam Prabha and handed over to accused Shilpa Nagraju Irgadindla. However, such allegations are not supported by
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evidence. The learned advocate appearing for the applicant would submit that the applicant has been arrested on 8.3.2023. He 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. however, vehemently, opposes the prayer for grant of bail. She would submit that the applicant has played an important role in execution of the offence. She would submit that accused Noorjahan kidnapped the child with the help of her son (child in conflict with law) and handed over custody to Parvinbee @ Sultana, who took the child to Hyderabad with the help of accused Rudresh Warang and Eti Trinath (present applicant) transported him to accused Addagalla Laxmi Durga @ Sonampudi, who with the help of other accused persons sold child to Sayed Salena Anwar and received sum of Rs.3,00,000/- (Rs. Three Lakh) which has been distributed by accused persons amongst themselves. She would further submit that CDR record shows that the applicant was in touch with other accused persons and with the help of his companion accused Rudresh Warang handed over victim to accused Addagalla Laxmi @ Sonampudi. She would submit that the CDR record of telephone numbers of accused persons confirms involvement of the applicant in commission of the offence. Therefore, she urges to reject the prayer for bail.

6. Having considered the submissions advanced, apparently, the applicant is alleged to have played an
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important role in the chain for giving effect to the crime in question. So far as allegations against the applicant is that the he was companion of accused Rudresh Warang. They both went together to accused Addagalla Laxmi Durga @ Sanampudi and further Silam Prabha. In support of the allegations against the applicant, prosecution relied on CDR depicting that the applicant was in contact with the other accused persons. However, perusal of the material in the charge-sheet would show that except mere allegations that the applicant accompanied accused Rudresh Warang while transporting the victim to Addagalla Laxmi Durga @ Sanampudi, there is nothing on record to establish complicity of the applicant in commission of the offence. Although, it is alleged that name of the applicant confirmed from the information given by co-accused persons, no such confessional statement is on record. Even, charge-sheet do not show that the applicant has gained benefit from money trail, as has been noticed in respect of other accused . In that view of the matter, it is difficult to hold complicity of the applicant in commission of the crime. The applicant is behind bar since 8.3.2023. Charge-sheet is filed. Investigation is completed. Considering the alleged role played by the applicant and evidence in the charge-sheet, detention of the applicant cannot be continued. Hence, the case is made out for grant of bail. Hence, the order.

ORDER

- i. Criminal Bail Application is hereby allowed.
- ii. The applicant - EATI TRINATH VYANKATRAO 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

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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 with the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.
 - 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 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.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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