

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

BAIL APPLICATION NO.1431 OF 2023

Silam Prabha w/o Anil
Chinnabandirevue colony, Bhadradi 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

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the CDR and locations. Allegations against the applicant is limited to the extent that the applicant received child and she 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 contentions and prayer for grant of bail on the ground that the applicant has played an important role in the chain of the offenders. The applicant received the victim from Addagalla Laxmi @ Sanampudi, who kept the child with her for some time and with the help of accused Ranjit Kumar Melam she took victim to Vijayvada in Andhra Pradesh and handed over the child to accused Ranjit Kumar Melam, who finally handed over the child to accused Shilpa Irgadindla and sold to witness Sayyed Saleha and received a sum of Rs.3,00,000/- (Rs. Three Lakh), which is distributed by accused persons amongst themselves. She would submit that bank account of the applicant at Kotak Mahindra Bank, mobile, CDR and locations communications with accused Laxmi Durga and Ranjit Melam is sufficient to establish her complicity in commission of offence. Therefore, she urges to reject the prayer for bail.

6. Having considered the submissions advanced, apparently, allegations against the applicant is that the applicant received victim Aadish from accused Addagalla Laxmi and kept him with her for some days. Thereafter, with the help of accused Ranjit Kumar she transferred child to accused Shilpa, who finally handed over the child to witness Sayed Saleha and recovered a sum of Rs.3,00,000/- (Rs. Three Lakh) and distributed amongst themselves.

7. In support of the aforesaid allegations against the applicant, the prosecution relies upon her CDR location and call records regarding communication with Laxmi Durga and Ranjit Melam. The prosecution has also collected account statement of the applicant and co-accused persons to establish the money trail. Perusal of the account statement of Addagalla Laxmi Durga @ Sanampudi shows that on 16.4.2022 amount of Rs.4,000/- was transferred to the applicant. Similarly, on 6.5.2022 an amount of Rs.35,000/- is transferred to her. On 15.5.2022 amount of Rs.5,000/- is transferred; so also, on 23.5.2022 amount of Rs.50,000/- has been transferred by her to Addagalla Laxmi Durga @ Sanampudi. Perusal of the aforesaid money trail would be sufficient to show complicity of the applicant in commission of the offence. Apart from the money trail, mobile location and call details are relied upon by the prosecution, which establishes active participation of the applicant in commission of the offence. The applicant is resident of State of Telangana. Apprehension of the prosecution that possibility of absconding of the applicant cannot ignored. In that view of the matter, there is no merit in the application. Hence, the order.

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ORDER

Bail Application is hereby rejected.

(S. G. CHAPALGAONKAR J.)

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