

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

BAIL APPLICATION NO.1540 OF 2023

SANGEETA @ GEETA @ RUKSANA W/O ANAND PANCHOLI,
R/O SECUNDERABAD, MARKPALLI, TELANGANA
VERSUS
THE STATE OF MAHARASHTRA THROUGH P.I. PALAM POLICE
STATION, DISTRICT PARBHANI.

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M.P. Kale & A.R. Muley advocate for applicant
Mr. N.B. Narwade, 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.31 of 2023 dated 1.3.2023 registered with Palam police station, District Parbhani for the offences punishable under sections 363, 363-A, 365, 368, 370, 120(B), r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Soni w/o Jankiram Khambe, who states that she resides at village Phala, Tq. Palam, District Parbhani alongwith her mother-in-law, husband, a daughter and two sons. Her son Shivraj, aged about four years goes to Anganwadi School. It is alleged that on 28.2.2023 at about 5.30 p.m. her son Shivraj had been to the shop of Govind Ranade, who offered him a Pepsi. However, after 10 to 15 minutes her son was missing so also Govind was not seen. The informant searched for her son at various places, but could not

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traced him. Hence, filed the complaint raising suspicion that her son is kidnapped by unknown culprit for unknown reason. The investigation progressed in pursuance of the registration of the offence. During the course of the investigation, the applicant came to be arrested on 29.3.2023. Since then, she is behind bar. After due investigation, charge-sheet came to be filed. In nutshell, it is alleged that the accused Govind Ranade in connivance with accused Sangeeta @ Geeta (present applicant) and accused Savita Poul kidnapped the victim, kept him at Secunderabad at the house of the applicant/accused. Hence, they have committed an offence punishable under section 363, 363-A, 365, 368, 370, 120(B) r/w 34 of the Indian Penal Code.

3. Learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. No role is played by the applicant in the alleged offence. As per the contents of charge-sheet, the victim was missing since 28.2.2023. Missing complaint was registered on 1.3.2023 and accused Govind Ranade and Savita have been apprehended on 2.3.2023 while transporting victim boy. The allegation against the applicant is based on statement of co-accused person. Except allegation that victim boy was kept at the house of the applicant for a day, no role can be traced against applicant. Learned advocate appearing for the applicant would further submit that the applicant is arrested on 29.3.2023. For more than six months she is behind bar. Investigation is completed and charge-sheet is filed. Further detention of the applicant would not be necessary. Hence, he urges to release the applicant on bail.

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4. Per contra, learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that the applicant is previously found involved in similar offences. Accused nos.1 and 2 were found in the custody of the victim. They had been to Secunderabad and kept the child with the applicant for a day. Therefore, there is sufficient evidence to show complexity of the applicant in commission of the offence.

5. Having considered the submissions advanced, apparently, the victim was missing from the evening of 28.2.2023. On 1.3.2023 the informant had reported that her child is missing. The offence was registered against unknown culprit for offence punishable u/s 363 of the IPC. The on 2.3.2023 victim was found in the custody of accused Govind and Savita. Although, there is allegations that the victim was kept at the house of applicant/accused at Secunderabad and she had agreed accused nos.1 and 2 to pay Rs.50,000/- each, no concrete material in support of such allegation can be traced in charge-sheet. The only evidence that prosecution relies is information given by co-accused persons. The victim is brought back and handed over to his parents within a period of two-three days. Victim was traced in company of co-accused while their vehicle was in transit from Hyderabad towards Nanded. It is, therefore, difficult to comprehend that victim was kidnapped by the accused persons and after keeping him for a day with applicant, they were coming back towards Nanded. In that view of the matter, although applicant is facing prosecution in similar offences, in absence of clinching evidence showing her complicity in the present case, it would not be proper to continue her detention. She is behind bar for

more than six months. Hence, the case is made out for grant of bail. Hence, the order.

ORDER

- i. Criminal Bail Application is hereby allowed.
- ii. The applicant- SANGEETA @ GEETA @ RUKSANA W/O ANAND PANCHOLI be released on bail in connection with Crime No.31 of 2023 dated 1.3.2023 registered with Palam police station, District Parbhani for the offences punishable under sections 363, 363-A, 365, 368, 370, 120(B) r/w 34 of the Indian Penal Code on her 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.
 - c] The applicant shall report local police station having jurisdiction over the area of her residence once in a month as per the day fixed by concerned police station officer.
 - d] The applicant shall furnish her own Aadhar card, her residential address and contact numbers and keep updating same to the police station on regular basis.
 - e] The applicant shall furnish address and mobile number with the local police station within whose jurisdiction she resides and update her contact numbers and address with said police station till disposal of the trial.

iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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