

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

BAIL APPLICATION NO.1538 OF 2023

Sangeeta @ Geeta @ Ruksana
w/o Anand Pancholi
Age: 38 years, Occu: Household,
R/o: Secundarabad, Markpalli, Telangana

... Applicant

Versus

The State of Maharashtra
Through P. I. Kotwali Police Station,
District Parbhani

... Respondent

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Mr. A. R. Muley h/f Mr. M. P. Kale, Advocate for the Applicant
Mr. S. B. Narwade, 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 Nagaraju and the accused persons with help of accused - Shilpa Nagaraju 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 – Sangeeta @ Geeta @ Ruksana has been arrested on 07/03/2023. She was remanded to the police custody till 17/03/2023. Since then, she is behind the bars. Her 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. Muley, the learned Advocate appearing for the applicant vehemently argued that the applicant has been falsely implicated in the crime. The imaginary concocted story is hatched against her. He would submit that even assuming that the applicant was in the company, no further role is attributed against her. The ingredients of the alleged offences would not attract so as to implicate the applicant. Learned Advocate appearing for the applicant would further submit that the investigation in the matter is completed and the charge-sheet is also filed so that the further detention of the applicant would not be necessary. Hence, he urges to release the applicant on bail.
7. Learned APP strongly opposes the application. He would submit that the applicant has played an important role in commission of offence. He would submit that the applicant was in fact linked with the main accused Pravindbee, who kidnapped the victim. She accompanied the main accused Praveenbee during the journey from Parbhani to Hyderabad

till handing over of the child. He would submit that the role of the applicant was also found in other similar matters. He would submit that the CDR locations and the statement of the vehicle's driver recorded under Section 164 of IPC so also the statement of son-in-law of the applicant, namely, Shailesh Agarwal, clearly depict that the applicant has played major role in commission of offence. As such, he urges to reject the bail application.

8. Having considered the submissions advanced, apparently, the accused - Praveenbee @ Sultana, who is a relative of the informant, kidnapped the victim-boy, who was hardly aged about four years. She along with her sister - Noorjahan took the child in a car towards Secundrabad. The statement of car driver, namely, Shaikh Rafi Shaikh Razzaq has been recorded on 12/03/2023. Further, the statement of Shaikh Nagulmeera to whom the child was handed over, confirmed that in auto rickshaw, there were three ladies and two gents. They had brought the victim. Thereafter, the accused - Shilpa took the child from them and handed over to the witness - Shaikh Nagulmeera. The statement of Shailesh Agarwal is also recorded, who is a son-in-law of the present applicant - Sangeeta, wherein, he confirms that, his mother-in-law / present applicant had obtained his bank account number under the pretext that some amount is receivable from the government, therefore, she needs account number. Accordingly, the amount was received through phone-pay to his bank account from one Ranjit Kumar and Shravni Padala.

Thereafter, he transferred the said amount to the present applicant.

9. Perusal of the aforesaid evidence would clearly depict the complete involvement of the applicant in commission of offence. Firstly, she was found in the company of the accused – Praveenbee, who had actually kidnapped the child. She accompanied them till handing over of the child to the witness and further, she has received the amount from the accused - Shravni Padala and Ranjit Kumar. *Prima facie*, the applicant has played the important role in commission of offence and also gained the financial benefits out of such transactions. Therefore, the offence under Sections 363 and 368 would attract against the applicant.
10. The applicant is resident of Hyderabad. There are criminal antecedents and even her involvement has been found in the similar offence. The release of the applicant may hamper the smooth trial. The possibility of absconding of the applicant cannot be ruled out. She is using different names, which show her complicity in commission of offence.
11. In that view of the matter, although charge-sheet is filed, no case is made out for grant of bail. Hence, the bail application stands rejected.

[S. G. CHAPALGAONKAR]
JUDGE