

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 195 OF 2023

Anjamma Bhimshappa Shanivar	..Applicant
VS.	
The State of Maharashtra	..Respondent

Tripti R. Shetty for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. Survase, API, Azad Maidan Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 23, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 370(1) and 370(4), 120-B read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No. 402(823) of 2022 initially registered with Sion Police Station and presently investigated by Azad Maidan Police Station.
- 3.** It is alleged that the minor child was found in her husband's custody. The applicant was undergoing IVF

treatment. She wanted a child. The applicant was under the impression that one of the accused was handing over the child in adoption. The applicant was bonafide to take care of the child. In my prima facie opinion, the offence under Section 370(1) of the IPC may not be attracted. The accused who handed over the child has been arrested and even the applicant's husband has been arrested. The applicant is a woman, claiming herself to be a victim of circumstances.

4. Considering the nature of the accusations against the applicant and the stage of the investigation, the custodial interrogation of the applicant is not necessary. There are no criminal antecedents reported against the applicant.

5. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R. No.402(823) of 2022 initially registered with Sion Police Station and presently investigated by Azad Maidan Police Station, the applicant-Anjamma

Bhimshappa Shanivar shall be released on bail on her furnishing P.R. Bond to the extent of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the concerned police station on 27/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called till the filing of the charge-sheet.

(d) The applicant to co-operate with the Investigating Officer.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicant shall furnish the details of her residential address and phone number to the investigating officer.

6. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)