

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

ANTICIPATORY BAIL APPLICATION NO. 738 OF 2021

Julia Lawrence Fernandes

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Anil Kamble a/w. Mangesh Shinde for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 30th JUNE, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 13 of 2021 registered with DCB, CID Unit I, Mumbai for offences under Section 370(4), 465, 466, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The material on record prima facie indicates that the police had received information that the co-accused Ruksar Shaikh and Shahajahan Jogilkar were involved in sell of children. The first informant Santosh Anant Shellar, Police Head Constable, attached to DCB, CID, Unit 1,

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verified the hospital records and ascertained that the co-accused Ruksar Shaikh had given birth to a male child on 01.12.2020. It was revealed that the biological mother had sold the said child for an amount of Rs.1,50,000/- through Rupali Varma. About prior to one and half year also she had given birth to a female child. The said child was also sold through said Rupali Varma for an amount of Rs.60,000/-. It was also revealed that Shahajahan Shaukat Jogilkar had sold her male child to Sanjay Pandam at Dharavi.

4. The investigation further revealed that Rupali Varma had sold the child to Gulshan Khan and Nisha Ahire, who in turn sold the child to a family at Pune. The statement of Deepali Rane prima facie reveals that Rupali had informed her that Ruksar was unable to take care of her child and that she was to give the child to Nisha. This witness had brought Ruksar and her five days old child to the house of Rupali. Her statement further indicates that two unknown persons and one man who had come to the house of Rupali told her to bring the child near BKC bus stop. Accordingly, on the next day this witness and Rupali went with the child to BKC bus stop. The Applicant and two others had come to BKC bus stop. They told him that the child had to be taken to Pune. The Applicant herein took the child and proceeded to some place by rickshaw and returned about two hours later without the child. She told them that the child was given to some person. It is stated that

Nisha, who had accompanied the Applicant herein handed over cash of Rs.1,50,000/- to Rupali and instructed them not to disclose about the child to anyone.

5. The statement of this witness prima facie reveals that the Applicant herein was involved in child trafficking. Learned APP states that the Applicant is involved in two other crimes i.e. Crime No. 438 of 2021 for the offences under Section 363, 370 r/w. 34 of IPC registered with Mahatma Phule Mandai Police Station , and Crime NO. 60 of 2017 registered at Wadala T.T. Police Station for offence under Section 370 r/w. 34 of IPC. The records reveal that the Applicant is involved in a racket of child trafficking, which is a heinous offence. Considering the nature nature and gravity of the offence, the Applicant is not entitled for pre-arrest bail. Hence, the Application is dismissed.

(ANUJA PRABHUDESSAI, J.)