

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

BAIL APPLICATION NO.2762 OF 2022

Parandam Rajaram Gudenti ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms Aparna D. Vhatkar for the Applicant.

Mr. Shrikant Yadav, APP for the Respondent -State.

Mr. Dilip Sawant, PSI from Bandra Police Station, is present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th MARCH, 2023.

P. C. :-

1. At the outset, learned counsel for the Applicant seeks leave to amend prayer clause (a) as to give details of the crime. Leave is granted. Amendment to be carried out forthwith.

2. This is an application under Section 439 of the Cr.PC. filed by the aforesaid Applicant, who has been arrested in Crime No.508 of 2021 registered with Bandra Police Station for the offences punishable under Sections 120 B, 201, 363, 368 and 370 r/w 34 of the IPC.

3. It is stated that the case has been investigated and the charge sheet has been filed and the case is committed to the Sessions

Court registered under Sessions Case No.1107 of 2021. Aforesaid case is registered pursuant to the FIR lodged by Smt. Mumtaz Nasir Khan, mother of the victim. She has stated that on 31/08/2021 at about 10.30 p.m. she was sleeping along with her children on the footpath near traffic police Chowki, S.V. Road, Bandra (West). At about 2.30 a.m. she noticed that her 10 months old child was missing and not found in the vicinity. She therefore lodged a complaint against an unknown person for taking away her child.

4. The records reveal that the child was given in adoption to a childless couple(Accused No.4) in Telangana State. The material on record further reveals that the child was kidnapped by accused No.1 and she had sold the child to the present Applicant (accused No.2) for Rs.1,50,000/-. The Applicant herein in turn sold the child to accused No.3 for Rs.1,30,000/- and accused No.3 sold the child to the childless couple for Rs.35,000/-. It is stated that amount of Rs.1,05,000/- has been recovered from the Applicant.

5. The material on record prima facie indicates that the Applicant herein is involved in a racket of kidnapping and selling of children. Learned counsel for the Applicant states that accused No.4

has been released on bail. She has placed on record copy of the order passed by the Hon'ble Supreme Court granting bail to the accused No.4. It is to be noted that unlike the Appellant, accused No.4 was not involved in kidnapping or selling the child. He had adopted the child on payment of Rs.35,000/- without following the due process. Hence, the said order cannot be of any assistance to the Applicant.

6. The footpath dwellers particularly street children are the most vulnerable and marginalised section of the society, prone to victimization and exploitation. Child trafficking is one of the most serious and heinous forms of exploitation which not only impacts the child and the family but threatens the very fabric of the society. Considering the gravity of the offence, I am not inclined to exercise the discretion under Section 439 of the Cr.P.C. in favour of the Applicant, who is involved in child trafficking racket.

7. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)