



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

BAIL APPLICATION NO. 3771 OF 2023

YOGITA GANESH SALE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Shriganesh S. Sawalkar a/w Adv. S. Shinde a/w Adv.
Sabiya Sayyed a/w Adv. Pallavi Jadhav a/w Adv. Priyanka W.
a/w Adv. Manjiri Dhuri for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI Sawant, Mankhurd Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 07, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 365, 363, 370(1)(3)(4)(5) and 34 of the Indian Penal Code registered on 05/12/2016 vide C.R. No.429 of 2016 with Mankhurd Police Station.
- 3.** It is the prosecution's case that the nephew of the complainant aged about 1½ years was taken away by the applicant and Ganesh. The applicant kidnapped the child

and sold him to the co-accused Prabhavati and Noorjahan who in turn sold the child to Smt. Rameshwari Haldankar in Goa for Rs.2,30,000/-.

4. The applicant is in custody for more than 7 years as an undertrial. The applicant is a woman. The prosecution proposes to examine 35 witnesses. It is submitted that the trial has commenced and only 7 witnesses are examined. The trial is likely to take a long time to conclude.

5. Learned APP opposed the application and submitted that the offence is serious and had it not been for the timely intervention of the police anything could have happened to the child.

6. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. According to the learned counsel for the applicant, there are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail imposing conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Yogita Ganesh Sale in connection with C.R. No.429 of 2016 registered with Mankhurd Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Mankhurd police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender her passport, if any, to the investigating officer.

(i) The applicant shall not leave the State of Maharashtra without prior permission of the trial Court.

7. The application is disposed of.

(M. S. KARNIK, J.)