



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.649 OF 2024**

Paradam Rajaram Gundenti

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Sachin B. Chandan with Ms. Kalpana V. Chate, Mr. Sumitkumar S. Nimbalkar,
for Applicant.

Mr. Shailesh Suresh Ghuge, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 21 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.508 of 2021 registered with Bandra Police Station for the offences punishable under Sections 120B, 363, 368, 370, 201 read with Section 34 of the Indian Penal Code.
3. The indictment against the applicant and the co-accused is that the applicant and co-accused Farhana Shaikh (A1) and Raju N. Nakka (A3) had entered into a conspiracy to steal a child and sell the same to accused No.4 Rajarao. In pursuance of the said conspiracy, on the night intervening 31 August 2021 and 1 September 2021, accused No.1 Farhana Shaikh, who had befriended the first informant, took away her 10 months child, without the consent of the first informant, while they were sleeping on a footpath below the bridge near Mahim Causeway.

Farhana Shaikh (A1) allegedly delivered the child to the applicant. Eventually, the child was allegedly sold to Rajarao (A4).

4. At the outset, learned Counsel for the Applicant submitted that co-accused Raju Nakka (A3) has been granted bail by this Court by an order dated 30 January 2024 and accused No.4 Rajarao who has allegedly purchased the child, was released on bail by the Supreme Court. The role of the applicant is more or less similar to that of accused No.3 Raju Nakka. Therefore, the applicant be released on bail.

5. Learned APP resisted the prayer for bail. It was submitted that the applicant was a privy to the conspiracy to steal the child. A sum of Rs.1 Lakh was recovered from the possession of the applicant. Therefore, the applicant does not deserve to be released on bail.

6. While releasing the co-accused Raju Nakka on bail, this Court has, *inter alia*, observed as under :

“6. I have perused the report under Section 173 of the Code and the documents annexed with it. I find substance in the submission of the learned Counsel for the Applicant that no role of kidnapping the child is attributable to the applicant. Even from the disclosure statement of the co-accused, it appears that the child was enticed away by Farhana Shaikh and she delivered the child to Paramdam Gundeti and, the the latter had informed the applicant about the same and, thereafter, the applicant had accompanied the accused No.1 to Mumbai.

7. In the aforesaid view of the matter, since the accused No.1 has

been released on bail and, prima facie, it appears that the role of kidnapping of child cannot be attributed to the applicant and the applicant is in custody since 3 September 2021 and it is unlikely that the trial can be concluded within a reasonable time, I am inclined to exercise the discretion in favour of the applicant.”

7. The aforesaid reasons apply with equal force to the applicant. Prima facie, the applicant was not the person who had kidnapped the child. That role has been attributed to the co-accused Farhana Shaikh. Rajarao (A4) who had allegedly purchased the child, has been released on bail by the Supreme Court.

8. The applicant has been in custody since 3rd September 2021. It is unlikely that the trial can be completed within a reasonable period. I am, therefore, inclined to exercise the discretion in favour of the applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Parandam Rajaram Gundenti be released on bail in C.R.No.508 of 2021 registered with Bandra Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Bandra Police Station on first Monday of every alternate month in between 11 am to 1 pm for a period of two years or till the conclusion of the trial whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)