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VISHAL SUBHASH
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4461 OF 2024

Sujatadevi Upendra Paswan	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Babu Singh, for the Applicant.
Mr. A.A. Naik, APP for the State.
Mr. Amol Divekar, PSI, Santacruz police station.

CORAM: N.J.JAMADAR, J.
DATE : NOVEMBER 26, 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.1144 of 2022 registered for the offences punishable under Sections 363, 370(1), 368 read with Section 34 of the Indian Penal Code, has preferred this application to enlarge her on bail.
3. The first informant is a rag picker. On 30th October 2022 at about 10.00 p.m, her one year old daughter and son were kept with the first informant's mother, while the first informant had gone to collect polythene bags. When she returned to footpath near SNDT College, Juhu Tara Road, the daughter of the first informant was not present thereat. The first informant, thus, lodged a report to the effect that somebody had kidnapped her daughter. During the course of investigation, it

transpired that two ladies travelled to Solapur along with an abducted child. The applicant and co-accused Sharifa Shaikh were apprehended at Solapur Railway Station along with the victim. It further transpired that they were to deliver the said child to another co-accused Gafurnisha at Hyderabad. However, the said co-accused did not turn up. Therefore, they were returning to Mumbai and, on the way, they were apprehended by police.

4. At the outset, the learned counsel for the applicant submitted that this Court has released Gafurnisha, the co-accused on bail by an order dated 28th March, 2024. The applicant also deserves to be enlarged on bail as it is not the prosecution case that the applicant was the person who had allegedly kidnapped the child. Apart from the statement of the co-accused, there is no other material to connect the applicant with the alleged offence.

5. The learned APP resisted the prayer for bail. However, the learned APP fairly submitted that the evidence has disclosed that the applicant had allegedly joined the co-accused who had abducted the child at Borivali Railway police station.

6. The material on record thus does not indicate that the applicant was the person who had initially accompanied the child. Whether the applicant was privy to trafficking of the child appears to be debatable.

The applicant has been in custody since 2nd November, 2022. It is extremely unlikely that the trial can be concluded within a reasonable period. I am, therefore, inclined to exercise the discretion in favour of the applicant.

Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Sujatadevi Upendra Paswan be released on bail in C.R.No.1144 of 2022 registered with Santacruz 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 Santacruz Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three 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 her

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.)