

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

Bail Application No.3547 of 2025

Amma @ Sundervelli Armugam Velliyan

Age: 54 yrs, Occ: Business,

R/o. Near Chandrakala Building,

T.C. Colony, Vikas Nagar, Dehu road,

Dist.- Pune

[At present Yerwada Central Prison, Pune] ... Applicant

versus

The State of Maharashtra

[Through Dehu Road Police Station

Pune Vide C.R. No.61/2025] ... Respondent

Mr Priyal G Sardar, a/w. Ms Seema Dighe, for the applicant.

Mr MG Patil, APP, for the respondent/ State.

PSI Mr SV Waghmare, Dehuroad Police Station, Pimpri-Chinchwad, is present.

Coram: R.N. Laddha, J.

Date: 26 November 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.61 of 2025, registered at Dehuroad Police Station, Pune, for the offences punishable under Sections 143(4), 319(2), 337 and 338 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. It is the case of the prosecution that accused Nos.3 and 4, married for approximately twenty years and without issue, had informed the applicant (accused No.1) of their desire to have a child. It is alleged that the applicant introduced them to accused No.2, who had expressed her intention to undergo an abortion, as she already had four children. Accused Nos.3 and 4 allegedly persuaded her not to terminate the pregnancy, assuring her that they would take care of the child and provide her assistance during the pregnancy. On 3 June 2023, when accused No.2 experienced labour pains, she was taken to the Cantonment Hospital, Dehuroad, by the applicant. It is alleged that, at the time of admission, accused Nos.3 and 4 concealed accused No.2's true identity and admitted her under the name of accused No.3. Accused No.2 thereafter delivered a male child at the hospital, and the newborn was registered as the biological child of accused Nos.3 and 4.

3. It is further alleged that at the time of discharge, accused No.4 did not disclose his own identity and instead furnished the false name "Mohit" on the discharge card. The accused couple thereafter obtained the child's birth certificate from the Cantonment Board by submitting a manipulated declaration form and by providing false information regarding the identity of the mother, accused No.2, thereby making it appear that the

child was born to them. They also paid money to accused No.2, the biological mother, and took custody of the child without following any lawful procedure for adoption.

4. Mr Priyal Sarda, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. The learned Counsel emphasises that there is a significant delay of about two years in the registration of the crime, as the alleged offence occurred on 3 June 2023 and the FIR was lodged only on 28 February 2025. It is submitted that the only role attributed to the applicant is that she introduced accused Nos.3 and 4 to accused No.2 and took her to the hospital. Beyond this assertion, there is no material on record to indicate the applicant's involvement in the alleged crime. The allegations against the applicant are based on assumptions, and the application of the Sections charged is doubtful. The learned Counsel highlights that there is nothing on record to demonstrate that accused No.2 was the biological mother of the child or the applicant's involvement in the crime. The husband of accused No.2, who is the biological father of the child, has made no grievance. The statement of the witness Shrijit Rameshan, who provided information about the alleged offence to the first informant, is based on hearsay. The alleged

motive for the commission of the crime is specifically attributed to accused Nos.2 to 4.

5. Mr Sarda further submits that even accepting the prosecution's case at its face value, there is no material to show the applicant's involvement or role in the commission of the alleged offence. The applicant has no criminal antecedents and has been languishing in jail since 26 March 2025. Despite the filing of the charge sheet, to date, the charge has not yet been framed. The continued detention of the applicant would not serve any discernible purpose. The learned Counsel further submits that the applicant is ready to abide by any conditions that this Court may impose.

6. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail and submits that the offence is of a grave and serious nature. The applicant actively participated in the crime. The learned APP raises concerns regarding the risk of evidence tampering or witness intimidation should bail be granted.

7. This Court has given anxious consideration to the rival contentions canvassed across the Bar. Upon perusing the records, it appears that the allegations against the applicant are restricted only to her introducing accused No.2 to accused

Nos.3 and 4, and taking accused No.2 to the hospital when she experienced labour pains. The allegations of trafficking, personation, and forgery are primarily attributed to accused Nos.2 to 4, not the applicant. Furthermore, there is a significant delay in registering the FIR. The applicant has been languishing in jail since 26 March 2025. The charge sheet has been duly filed before the competent Court, yet no charges have been framed to date. The applicant has no criminal antecedents. The prosecution intends to examine as many as fourteen witnesses, and the trial is unlikely to conclude in the near future. The prosecution's apprehensions about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions.

8. Considering the totality of the circumstances, including the absence of the applicant's direct involvement in the commission of the crime, the stage of the proceedings, and the lack of disqualifying factors, this Court is inclined to extend the benefit of bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.61 of 2025, registered at Dehuroad Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and

furnishing one or more sureties in the like amount.

(ii) The applicant, herself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall cooperate and regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)