

*“To Chowki Incharge Town No.3, NIT Faridabad.
Sir, it is a request that I am Sunil Kumar Son of Agnu, resident
of Village Thanpur, Tehsil Hydergada, District Barabanki
(UP), tenant half, D-12 Anagpur Dairy, Near Sanatan
Dharma Mandir, Sector 37, Faridabad. On 11.09.2023 at
around 2 AM, my wife Anita who was expected to be delivered*



a child, I had taken her to the BKH Hospital. At around 03:30 AM, my wife gave birth to a son and after delivery, Dr. Saheb shifted my wife to ward No. 103. After having dinner at 10:00 PM, I came down to the waiting area to sleep. When I reached my wife Anita in the morning on 12.09.2023, I saw a lady wearing a yellow coloured flower suit. She was feeding my son in her lap. I asked my wife who is she? then my wife told that she has performing her duty in the ward. I went down to have tea and at about 07:45 AM my mother Ram Dehi came crying and met me downstairs and told me that the woman was feeding the child. She told me to get your daughter-in-law's clothes to change. When I went to the bathroom to get Anita's clothes to change and came back after getting her clothes to change, that woman was not in the ward and neither was my child. This unknown woman took my child with her and till now we kept searching here and there but could not find it anywhere and now I have come to report it. After registering my report, my child should be searched and that woman should be given the hardest punishment, it will be so kind of you. Sd/- Applicant Sunil Kumar 8368384712, 9811445441.”

3. Learned counsel for the petitioner contends that the FIR in the present case was registered against unknown persons and the petitioner has been arrayed as an accused only on the basis of the disclosure statement suffered by Deepak, co-accused in the police custody and the said statement is inadmissible piece of evidence. The petitioner was arrested in the present case on 15.09.2023 and is in custody for the last about 01 year and 06 months. Learned counsel for the petitioner has



further relied upon the orders (Annexures P-5 and P-6, respectively) passed by this Court, whereby, Priyanka and Pooja, similarly placed co-accused have already been admitted to bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and she does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, a child was taken away from the maternity ward of the hospital and now the child has been re-united with the family. The petitioner is stated to be in custody for the last about 01 year and 06 months. Similarly placed co-accused, namely, Priyanka and Pooja have already been granted the concession of bail by this Court, vide orders Annexures P-5 and P-6, respectively. Thus, no purpose will be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner 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 her to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.

(v) The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(N.S.SHEKHAWAT)
JUDGE

25.03.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No