

Digitally signed
by SATISH
RAMCHANDRA
SANGAR
Date:
2023.02.09
14:21:17
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 364 OF 2023

Smt. Ashwini Sanjay Babar
Age : 45 Years, Indian Inhabitant
R/at : Behind Amane Vada,
Sadar Bazar, Satara.

... Applicant

Versus

The State of Maharashtra
[Through Police Inspector,
Satara City Police Station, Satara]

... Respondent

Mr. Shailesh Chavan, Advocate for the Applicant.
Mr. Y. Y. Dabke – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 8th FEBRUARY 2023

P. C. :-

1. Heard learned Advocate Shri. Shailesh Chavan for the Applicant and learned APP Shri. Y. Y. Dabke for the Respondent-State.
2. We are in the 21st Century, still there are incidents wherein the girls are treated as commodity and they have been used as a medium for financial benefits. It is highly objectionable to the principles of morality and human rights that a girl of one year is being sold by the natural mother. Such incident took place in Satara city when the daughter Ananya was sold to the Applicant–Ashwini and her husband – Sanjay who is the co-accused. I am at great pains when the word ‘sale’ is used. But the other side of the coin is that her own mother has done this act and the hard reality of the life is that she is in need of money as her husband is behind bar.

3. That is why, she had chosen to approach the present Applicant and her husband. Not only that, they have advanced money without money lending license but even they have committed a sin on humanity and then, went to the extent of taking the custody of daughter Ananya.

4. The mother – Payal worked at Pen - Raigad on the say of the accused persons and somehow, repaid the loan. The Applicant and her husband continued the same inhuman treatment and refused to give back the custody of Kum.Ananya. The mother Payal was compelled to approach the police. Police Sub-Inspector Usman Shaikh conducted an enquiry and then registered an offence against the present Applicant and her husband under Section 370 of the Indian Penal Code, 1860 and under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and under Section 39 of the Maharashtra Money-Lending (Regulation) Act, 2014.

5. The Applicant was arrested and now the investigation is completed. Twice, she attempted to secure a bail, however, she was not successful. The learned trial Judge was inclined to refuse the bail for the reason that she was found with certain diaries mentioning about the advancing of loan. However, her husband – Sanjay and another co-accused Sanket Raje were released on bail.

6. The Applicant is also having two minor children. Now, Kum.Ananya is with her parents. One does not know when the trial is to be started and will be finished. The Applicant described the name of Kum.Ananya as Janki Sanjay Babar as her own daughter, but this is not a reality and there is a reference in Para No.7 of the order. Be that it may. There is no need to detain the Applicant behind the bar till the conclusion of the trial. She is also having two minor children. Their welfare also needs to be considered. Hence, order :-

ORDER

- (i) Application is allowed.
 - (ii) Applicant Smt.Ashwini Sanjay Babar be granted bail in connection with C.R. No.53 of 2022 registered with Satara City Police Station – Satara on furnishing personal bond and surety bond of Rs.25,000/-.
 - (iii) Applicant to give attendance to Satara City Police Station on first Monday of every month from 10.00 a.m. to 1.00 p.m. for one year.
 - (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner or tamper with the evidence.
 - (v) Applicant not to leave the jurisdiction of the Court without permission of the District Court.
 - (vi) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.
7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.
8. Application is disposed of in the aforesaid terms.
9. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)