

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 401 OF 2026

Shabana Alias Muskan Amin Shaikh ....Applicant  
**VERSUS**  
State Of Maharashtra and Anr. ....Respondent

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Mr. Sachinkumar P. Rajepandhare (Through VC), for the Applicant.  
Mr. Anand S. Shalgaonkar, APP, for the Respondent-State.

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**CORAM : MEHROZ K. PATHAN, J.**  
**DATE : 11<sup>th</sup> JUNE, 2026.**

**P.C.**

1. Heard learned counsel for the Applicant and learned APP for the Respondent-State.
2. The Applicant has approached this Court seeking regular bail in connection with Crime No.565 of 2025 registered with Faujdar Chawdi Police Station, Solapur, for the offences punishable under Sections 137(2), 143(1), (4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").
3. The prosecution case is that, Samina Shaikh Complainant lodged the F.I.R. on 30/07/2025, reported the kidnapping of her four months old minor child by some unknown person. The criminal law was set into motion by registering an offence under Section

137(2) of the BNS. During the course of investigation the name of the Applicant as well as the arrested accused Munna Shaikh came to be revealed.

4. The learned counsel Mr. Sachinkumar P. Rajepandhare for the Applicant submits that the Applicant has been falsely implicated in the present crime. It is contented that even if the allegations in the F.I.R. are taken to be true, the allegations of kidnapping the child are mainly alleged against the accused Munna Shaikh and not against the present Applicant Shabana. The Applicant is not having any criminal antecedents. The only allegations against the Applicant is that the child was found in possession of the present Applicant, upon a memorandum of the main accused Munna Shaikh recorded under Section 23 of the Bharatiya Sakshya Adhinyam, 2023. The offence under Section 143 of the BNS cannot be said to be made out against the present Applicant, as there are no allegations about trafficking or kidnapping the child, against the present Applicant. The Section 137 of the BNS is punishable with imprisonment up to seven years. The Applicant is arrested on 30/07/2025 and is behind bars since then for almost one year now. The trial will take its own time to conclude. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the application may be allowed by releasing the Applicant on bail.

5. As against this the learned APP Mr. Anand S. Shalgaonkar strongly opposes the bail application on the ground that the Applicant is involved in the serious offence of kidnapping a minor child aged four months. It is submitted that the offences is punishable with life imprisonment, as offence under Section 143 of the BNS is clearly made out in the present crime. The main accused Munna Shaikh has recorded a memorandum statement under Section 23 of the BNSS, pursuant to which the child was recovered from the possession of the present Applicant. The Applicant has played an active role in the kidnapping of the child. The offence of trafficking of the child is punishable with life imprisonment, hence this is not a fit case to release the Applicant on bail. Hence, application may be rejected.

6. I have gone through the investigation papers which have now culminated in the filing of the charge-sheet. A perusal of the investigation papers shows that the investigation is almost completed. The main accused Munna Shaikh is already arrested and behind bars. There are direct allegations of kidnapping of the child against unknown person. However during the investigation, the CCTV footage shows that Munna Shaikh lifted the child from the possession of the mother of the informant on 29<sup>th</sup> July, 2025 at about 00:30 hrs. The child was then handed over to the Applicant. Whether the

Applicant was involved in the conspiracy, will have to be proved by leading evidence to that effect before the learned trial Court.

7. However, taking into consideration that the Applicant is not having any criminal antecedents and that the Applicant is behind bars since 30/07/2025 and that the trial will take its own time to conclude, further incarceration of the Applicant would not yield any fruitful purpose. Hence, I am inclined to release the Applicant in exercise of powers under Section 483 of the BNSS.

### ORDER

I. The application is allowed.

II. The Applicant - Shabana Alias Muskan Amin Shaikh, in connection with Crime No.565 of 2025 registered with Faujdar Chawdi Police Station, Solapur, for the offences punishable under Sections 137(2), 143(1), (4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), she be released on bail on furnishing P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, on following conditions:

A). The Applicant shall attend the concerned police station on every 1<sup>st</sup> of every month between 11:00 a.m. to 1:00 p.m.

B) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

C) The Applicant shall submit her Aadhar Card and Pan Card copy to the Investigating Officer and detailed addresses of the residence and phone numbers of herself and two of the near relatives.

D) The Applicant shall attend each and every dates of the trial Court regularly unless exempted by the trial Court.

8. In view of the aforesaid terms and conditions, the application is allowed and accordingly stand disposed of.

**( MEHROZ K. PATHAN, J.)**