

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 635 OF 2015

Jyoti Shirish Sasne	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Pawan Mali, Advocate for the Applicant
Mrs. G.P. Mulekar, APP for the Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 27, 2015**

P.C.:

This is a second Bail Application. The first Bail Application was withdrawn to file a fresh Application before the Sessions Court. The applicant/accused is prosecuted for the offences punishable under sections 302, 392, 201 of the Indian Penal Code, which is registered at C.R. No. 226 of 2013 with Karvir Police Station, Kolhapur.

2. The applicant/accused is the mother of deceased Aryan and she is facing charges of the murder of her son. The brother-in-law of the accused has given information to the police that on 18th August, 2013 that his nephew Aryan, who was 15 months old, was missing in the afternoon at around 1 to 1.30 p.m., so missing complaint vide No. 89 of 2013 was lodged at Karveer Police Station. However, on the same day after search, body of Aryan was found on the backside of the residence of the applicant/accused.

3. It is the case of the prosecution that the applicant/accused was fed up with her husband who used to drink and harass her and, therefore, she killed their son, who was 15 months old.

4. The learned counsel for the applicant/accused submitted that there is no eye witness. The case of the prosecution is based on circumstantial evidence. It is difficult to accept that a mother can kill her own child, who is 15 months old. He submitted that though the Investigating officer has recorded the statement of the witnesses on the point of last seen together, that cannot be a sufficient evidence to hold the applicant/accused guilty. The applicant/accused is innocent.

5. Learned APP opposed the Application and relied on the papers of the investigation and also the recovery panchnama dated 19th August, 2013 under which the ornaments, i.e., ear-rings and locket which were on the person of the child were recovered at the instance of the applicant/accused in her kitchen.

6. Though the case of the prosecution is based on circumstantial evidence, there is evidence of last seen together. It is to be noted that the deceased was the baby of 15 months old and very much in the custody of the mother and dependent on her. Also considered the recovery of the

ornaments which were on the person of the child when he was killed and the cause of death as mentioned in the post-mortem notes. In view of this, the Application for bail is rejected.

(MRS.MRIDULA BHATKAR, J.)