

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

CRIMINAL BAIL APPLICATION NO. 2051 OF 2015

Smt. Mandabai Ravindra Salunkhe ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. P.B.Naiknaware for the Applicant
Mr. J.H.Ramugade, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for bail filed by the applicant who is arrested in Crime No.5 of 2015 registered with Koyna Nagar Police Station for the offence punishable under Section 302 of the Indian Penal Code.

2. Mr. Naiknaware, the learned counsel for the applicant submits that there is absolutely no material to show the involvement of the applicant in commission of the said crime. He has submitted that the applicant is in custody since last 10 months and being a lady she

is entitled for bail.

3. The learned APP submitted that the child was nine months old, the cause of death of said child was due to throatling. She submitted that the child was in custody of the applicant at the time of her death.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that the parents of the deceased girl who was barely 9 months old were in custody and the child was in the custody of the applicant being the paternal aunt. The said child had expired on 21.8.2015. It was reported that the girl had died due to some ailment. However, the post-mortem report revealed that the death was due to acute cardio respiratory failure due to asphyxia. The medical report therefore prima facie reveals that the death of the minor girl was homicidal.

5. As stated earlier, at the time of the incident, the parents of the child were in prison and therefore the child was in custody of the applicant herein. This fact would prima facie link the applicant with the crime, and as such the applicant is not entitled for bail. Hence

the order:-

- i) The bail application is dismissed.
- ii) Considering the fact that the applicant is a woman and is in custody since last 10 months, the trial is ordered to be expedited. The learned Sessions Judge is directed to dispose of the said Sessions Case as expeditiously as possible, and in any case within a period of one year from the date of receipt of this order.

(ANUJA PRABHUDESSAI, J.)