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

CRIMINAL BAIL APPLICATION NO. 193 OF 2015

Suchita Suresh Madavkar and Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.M.J.Bhatt, for the Applicants.
Ms.A.T.Javeri, A.PP for the Respondent No.1-State.
PSI – Mohan G. Waghmare, Sahar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st MARCH, 2015.

PC. :

1. Heard the learned counsel for the Applicants and the learned APP for the State.

2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.271 of 2014 registered with the Sahar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.

3. The incident in question has taken place some time between 3rd and 4th October, 2014. The applicant no.1 is the mother of co-accused –

Bhagyshri. The applicant no.2 is the sister of co-accused – Bhagyshri. It is alleged by the prosecution, that the co-accused – Bhagyshri was an unwed mother and had delivered an infant child on 29th September, 2014 in a hospital. The co-accused – Bhagyshri came to be discharged from the said hospital on 3rd October, 2014. It is alleged by the prosecution that on 4th October, 2014 a body was seen floating, pursuant to which the police were informed and the body was recovered from the said spot along with some medical papers. From the medical papers, it was revealed that the said child was delivered in Sion Hospital. Accordingly, the police investigated the case and found that co-accused – Bhagyshri had impersonated her name as Savita and delivered a child. During investigation, two doctors identified co-accused – Bhagyshri who had delivered a child on 29th September, 2014 was Savita. Accordingly, the co-accused – Bhagyshri, came to be arrested along with the present applicants, who are the mother and sister of co-accused – Bhagyshri.

4. Learned Counsel for the Applicants contended that there are no eye-witnesses in the said case and that investigation is complete and charge-sheet has been filed.

5. Learned APP opposed the bail application. She submitted that the accused has confessed under Section 27 of the Evidence Act, wherein, she has disclosed that the new born child was strangled. She submitted that the present applicants had abetted the commission of the said offence.

6. Perused the charge-sheet. It appears, that the prosecution case rest entirely on circumstantial evidence. The statement of the accused made under Section 27 implicating themselves is inadmissible. No doubt, the nature of the allegations are serious, however, considering the fact that the applicants are the mother and sister of Bhagyshri and are ladies and the fact that investigation is complete and charge-sheet is filed, the applicants deserve to be enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicants be enlarged on bail on furnishing PR.Bond in the sum of Rs.15,000/-, each with one or two sureties in the like amount ;
- ii) The Applicants shall attend the Sahar Police Station, Mumbai, on the first Saturday of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the

trial;

- iii) The Applicants shall inform their latest place of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Sahar Police Station, Mumbai ;
- iv) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- v) The Applicants to cooperate with the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

9. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.