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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.581 OF 2016

Savita Manish Chaudhari,
Age : 25 years, Occu. Household,
R/o Ram Nagar, Taluka Washi,
District Osmanabad

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S.S. Jadhavar, Advocate for applicant;
Mr S.P. Sonpawale, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd March, 2016

ORDER :

By this application under section 439 of the Code of Criminal Procedure, the applicant seeks her release on bail, in connection with C.R. No.212 of 2015, registered with Washi police station, Washi, Taluka Washi, Dist. Osmanabad, for offences punishable under sections 450 and 307 of the Indian Penal Code.

2. The allegation against the applicant is that she has tried to kill her own child by administering poison. Apart from above, there is one more offence registered against the applicant vide C.R. No.450 of 2015 with Fauzdar Chawadi police station, Solapur, for offences punishable under sections 307 and 317 of the Indian Penal Code, which speaks of similar type of allegation against her.

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3. The medical report submitted by the Civil Surgeon, District Hospital, Osmanabad, pursuant to the order passed by this Court on 15th February, 2016, *inter alia* reads thus :-

“She is c/o fearfulness, loss of sleep, sadness of mood since last two months. She is suffering from Postpartum depression disorder with psychiatric features and needs opinion and further management of class-1 Psychiatrist and as such for the said purpose she could be referred to the Regional Hospital for Psychiatry at Pune.”

4. It is required to be noted that the above referred diagnosis is certified by Psychiatrist, District Hospital, Osmanabad and Civil Surgeon, District Hospital, Osmanabad. It appears that the ailment with which the applicant is suffering generally occurs after the delivery.

5. In the above background, learned Counsel appearing on behalf of the applicant submits that looking to the age of applicant, her husband, father-in-law, mother-in-law and other family members are supporting her by administering treatment for her ailment from expert Doctor, as her child is about six months old. Thus, he prayed to order release of the applicant on bail.

6. Learned Addl. Public Prosecutor opposed the application on the ground that the applicant has twice attempted to kill her own child and it is not in the interest of the applicant herself to be released on bail.

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7. Looking to the age of the applicant and the fact that she is blessed with a child and since it is post delivery, she is suffering from postpartum depression disorder with psychiatric features, in my opinion, the factual matrix contemplates her release on bail initially for a period of three months for administering appropriate treatment *qua* the ailment as noticed and certified by the Government Doctors.

8. The husband of the applicant and her father are personally present in the Court and have filed their affidavits assuring this Court that they shall take appropriate care and caution, so as to avoid repetition of the incident as noticed in earlier two first information reports till she recovers from the alleged psychiatric ailment. The husband of the applicant, who is a Government servant and also an agriculturist and her father, who is an Assistant Teacher, have assured the Court that they shall jointly and severally take appropriate responsibility of making available proper treatment to her.

9. It will be incumbent for the applicant to place on record the report from the Doctors, who will be treating her in the matter of her treatment and recovery.

10. In view thereof, I pass the following order :-

The applicant be released on bail, in connection with C.R. No.212 of

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2015, registered with Washi police station, Washi, Taluka Washi, Dist. Osmanabad, for offences punishable under sections 450 and 307 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, for a period of three months from the date of her release from the prison.

At the end of expiry of period of three months, the applicant will be at liberty to renew the request for continuation of bail, based on the circumstances as shall be prevailing.

Criminal Application stands partly allowed.

(N.W. SAMBRE, J.)

amj