

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

922 CRIMINAL APPLICATION NO. 2892 OF 2016

SAVITA MANISH CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA

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Mr. S.S.Jadhavar, Advocate for Applicant.

Mr. S.P.Sonpawle, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 30th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 212/2015 registered at Washi police station, Washi, Dist. Osmanabad for the offences punishable u/ss 450 and 307 of the Indian Penal Code, by this application is seeking her release on bail.

2. Heard the learned counsel for applicant/accused. He argued that the applicant is biological mother of 3 months old child, whose death, according to the prosecution case, was attempted by present applicant by administering poison to the said child on 09/12/2015. The learned counsel argued that the applicant was suffering from psychological disorder and

due to that ailment, the crime might have been committed, though there is no evidence to show that the applicant had committed the crime in question. The learned counsel further argued that after the incident, the child was admitted to the hospital at Solapur and according to the prosecution case, in second attempt, the applicant is roped in the crime in question.

3. The learned A.P.P. opposed the application by contending that the medical evidence collected by the prosecution shows that poison was administered to the child in the house itself, when the child was in the custody of present applicant. The learned A.P.P. further submitted that initially the applicant was released on bail for a period of 3 months in this crime itself by this Court with further direction that the applicant will be at liberty to renew the request for continuation of bail based on the circumstances prevailing at that time. The learned A.P.P. submits that the Investigating Officer has recorded statements of witnesses, who are inmates of the house including the informant.

4. Perused the papers of investigation. It is now reported that charge sheet has already been filed against present applicant and the investigation as such is complete. It is also reported that in respect of alleged second attempt at Solapur by present applicant, she has already been released on bail by the learned Additional Sessions Judge, Solapur. Even in this case also, it appears that this Court had granted bail to the applicant for the limited period of 3 months vide Order

dated 02/03/2016 in Criminal Application No. 581 of 2016. Nothing adverse is reported to this Court by the learned A.P.P. or the Investigating Officer so as to dis-entitle present applicant to enjoy her liberty in future.

5. In this view of the matter, I see no reason to refuse bail to present applicant in the instant crime. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Savita Manish Chaudhari in Crime No. 212/2015 registered at Washi police station, Washi, Dist. Osmanabad for the offences punishable u/ss 450 and 307 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall co-operate the trial Court in the expeditious disposal of trial against them.

7. The Criminal Application stands disposed of.

[A.M.BADAR, J.]

KNP/Cr.Apln. 2892.2016