

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2537 OF 2015**

Shivaji Bhagwat Bhalerao

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ujwal R. Agandsurve for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 18th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 412 of 2014 registered with the Mohol Police Station, for the alleged offences punishable under Section 302 of the Indian Penal Code.
3. The complainant is the mother of the deceased. The incident in question has taken place on 2nd December, 2014 at about 3:00 p.m.

According to the complainant, the applicant assaulted her daughter Aarushi by articles available in the kitchen i.e. rolling pin and knife and with fists and blows. According to the prosecution, as the applicant was having illicit relations with the complainant and as deceased Aarushi aged 5 years had become an obstacle in the said relation, the applicant is alleged to have committed the alleged offence.

4. Perused the charge-sheet. There are several circumstances as against the applicant; there is a statement of Anjali aged 7 years, who is the sister of the deceased, who was present on the spot at the time of the assault on Aarushi. She has narrated the manner in which the applicant brutally assaulted the deceased, who was aged only 5 years; there is an extra judicial confession made by the applicant to Mithun Jadhav, a neighbour. There is recovery of blood stained clothes at his instance.

5. Considering the material against the applicant, this is not a fit case to enlarge the applicant on bail. Application stands rejected.

6. It is made clear that the observations made herein are *prima*

facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.