

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1646 OF 2016

Mr. Tushar Mahesh Saujani	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. C.J.Doveson i/b. Ms. Rohini M. Amin, for the applicant.
Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 17th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 29.9.2015 in Crime No.661 of 2015 registered at Virar Police Station. The investigation is completed and charge-sheet is filed against the accused for the offence punishable under Sections 302, 323, 504, 506 of the Indian Penal Code. The charge-sheet is filed on 9.12.2015.

2. It is the case of the prosecution that there was a matrimonial dispute between the applicant and his wife. The wife of the applicant was staying in her matrimonial house along with their 18-month-old daughter Hasti. It is alleged that on 28.9.2015 at about 6 p.m. the applicant had visited his wife in her matrimonial house, raised quarrel, thereafter he had picked up the 18-month-old Hasti and had thrown her on the ground. That

the wife of the applicant had put in her best efforts to give her medical aid as early as possible. Due to stringency of funds, she could not get treatment to her daughter in Wockhardt Hospital. Initially, she had taken the child to Chaitanya Hospital. Upon examination, the doctor has referred her to Mira Road Hospital. Thereafter, she had finally taken the child to Nair Hospital where the doctor had declared the child dead at the time of admission.

3. It is an unfortunate incident witnessed by the mother of the child. The innocent child was victimized due to the matrimonial dispute between the husband and wife and had lost her life. There is direct evidence against the present applicant. It is a brutal act on the part of the applicant to kill his own daughter only to satisfy and wreck his vendetta against his wife.

4. The learned counsel for the applicant submits that the investigation is completed and charge-sheet is filed and, therefore, the applicant deserves to be enlarged on bail. The applicant does not deserve any sympathy.

5. The application being sans merits, stands rejected and disposed of.

6. The above observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration at the time of trial.

(SMT. SADHANA S.JADHAV, J.)