

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

BAIL APPLICATION NO.1694 OF 2018

Ranjit Suresh Bulunge	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Surel S. Shah for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent -State.

Mr. Mallikarjun L. Bhandarkar, Police constable, Dahiwadi Police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No.15 of 2018 registered with Dahiwadi Police Station, District- Satara, for offence punishable under Section 302 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Surel Shah, the learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Madhuri Ranjit Bulunge, wife of the Applicant herein. The FIR prima facie reveals that the first informant had delivered a child on 2.11.2017. After her discharge from the hospital, the first informant had gone to her maternal house with the new born child. The first informant has claimed that the Applicant herein was keen on giving the new born child in adoption. The first informant and her mother and brother had resisted the said move. The first informant has stated that on 20.1.2018 the Applicant visited his wife and once again stated that the child should be given in adoption. The first informant and her family members opposed the said move. She has stated that the Applicant had refused to join them for dinner stating that he had already had his dinner. She claimed that her children Viraj and new born child-Vedant were sleeping in the bedroom and the Applicant was also sitting in the bedroom with the children. The first informant, her brother and mother had gone to the kitchen to have dinner. At about 9.30 p.m. she heard Vedant crying and when she went to the bedroom she saw that the Applicant carrying the child. The child was continuously crying and was vomiting. She claims that the smell of the vomit was acrid and hence she suspected that the

Applicant had administered poison to the new born child. She further claims that the Applicant refused to take the child to the hospital. On the next morning she took the child to the hospital, but the child expired at about 8.55 p.m.

4. The statements of Mangal and Kiran, mother and brother of the first informant respectively, also prima facie indicate that the Applicant was insisting that the new born child should be given in adoption. The statements of these witnesses prima facie indicate that on the relevant date the Applicant had visited their house and had once again raised the issue of giving the child in adoption. The statements of these witnesses also prima facie indicate that the Applicant was with the children while the first informant and others were having dinner in the kitchen and that some time later they had heard the child crying and when they went to the bedroom they saw the Applicant carrying the child and the child was vomiting.

5. The viscera of the child was sent for chemical analysis. The CA report reveals that the viscera tested positive for Organa Phosphorus Insecticide Dimethoate (Rogor). The records thus, prima facie reveal that death of the child was due to poisoning, which fact

prima facie supports the case of the prosecution.

6. The nature of allegations levelled against the Applicant, particularly the gravity of the offence would not justify grant of bail. The Applicant is the husband of the first informant and if released on bail there is every possibility of the Applicant pressurising the first informant and prejudicing the fair trial. Under the circumstances, in my considered view this is not a fit case for bail. Hence, the application is dismissed.

7. Suffice it to say that the above observations are prima facie and should not be construed as an expression of opinion on merits.

(SMT. ANUJA PRABHUDESSAI, J.)