

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.188 OF 2018

IN

CRIMINAL APPEAL NO.693 OF 2015

Sou. Supriya Amit More.] ... Applicant /
Original Accused
Versus

The State of Maharashtra.] ... Respondent

Mr. Kuldeep Patil Mr. Prashant S. Hagare for Applicant / Original
Accused.

Mr. H. J. Dedhia, APP for State.

**CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.**

DATE :- 29 JUNE, 2018

P. C. :-

1. This is an application for grant of bail and for suspension
of sentence during the pendency of the Appeal.

2. The allegation against the Applicant is that the Applicant
herself drowned her one month old infant child in a barrel filled with
water and committed murder of the child. The motive behind the
murder was that love marriage between the Applicant and her

husband was not liked by her in-laws and out of frustration, she took this step. The prosecution has examined 11 witnesses and except police witnesses and the Medical Officer, the other witnesses have not supported the prosecution case. The case is purely based on circumstantial evidence. The learned trial Judge has observed that since the child was in custody of the Appellant, the burden was on her to prove how the incident took place. Though there is some substance in the observations of the learned trial Judge, the incident appears to be an unfortunate fallout of the love marriage between the Applicant and her husband. Since all the major witnesses have turned hostile and also since she is in custody since 08/09/2014, at this stage, we are inclined to grant bail to the Applicant. There are no criminal antecedents alleged against the Applicant. Hence, the following order.

ORDER

- (i) The Application is allowed.
- (ii) The Order of conviction and sentence is suspended.
- (iii) The Applicant is directed to be released on bail on her executing a P.R. bond in the sum of of Rs.15,000/- with one or two sureties in the like amount.

- (iv) The Applicant shall report to the concerned police station on first Monday of every month between 10.00 a.m. to 12.00 p.m.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)