

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1156 OF 2018
AND
CRIMINAL APPLICATION NO.1385 OF 2018
IN
CRIMINAL APPEAL NO.749 OF 2015

Jyoti Shirish Sasane	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Aniket Vagal for the Applicant.

Mrs. P.P. Shinde, A.P.P., for the Respondent-State.

CORAM : **SMT. SADHANA S. JADHAV &**
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : **27TH SEPTEMBER, 2018.**

P.C. :

1. Heard Mr. Vagal, learned counsel for the Applicant, and Mrs. Shinde, learned A.P.P. for the Respondent-State.
2. This is second application for bail. The earlier application for bail came to be rejected by this Court vide its order dated 14th August 2015 on merits and at the same time, the hearing of the Appeal was expedited.
3. It is submitted by learned counsel for the Applicant that, despite

hearing of the Appeal being expedited, the Appeal is yet not heard. The Applicant is in jail since last about more than 5 years and there is also change in circumstances, as she has lost her husband about two months back and there is no one to look after her only surviving minor son.

4. As the earlier Bail Application was rejected on merits, we are considering this Bail Application only in view of the change in circumstance. However, suffice it to state that, the case is based on the circumstantial evidence alone and the major circumstance alleged against the Applicant is that, she was carrying the child with her, when she left the house; however, when she returned, the child was not with her. Subsequently, the dead body of the child was found at a public place. No motive is alleged against the Applicant for committing the alleged murder of her own son of the age of 1 year and 4 months.

5. In our considered opinion, there is sufficient change in circumstance since the rejection of her first application. The major change in the circumstance is that, though the hearing of the Appeal was expedited, when her first Bail Application was rejected, the hearing of the Appeal could not take place. As a result, the Applicant is languishing in jail since last more than 5 years. Recently she has also lost her husband and as a result, there is no one to look after her minor younger son of the age of 8 to 9 years. Therefore, the welfare, safety and security

of the minor child of the Applicant is also required to be taken into consideration. Hence, in view of this change in circumstance, we are inclined to grant this application for bail.

6. Accordingly, both these Applications are allowed. The Applicant-Jyoti Shirish Sasane is released on P.R. and S.B. Bond of Rs.15,000/-. Applicant is permitted to be released on furnishing cash security of Rs.15,000/-, which will be valid for a period of four weeks, so that she can arrange for the surety after coming out of the jail. This application is granted subject to usual conditions for bail.

7. Both the application are disposed off in the above terms.

8. Parties to act on an authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[SMT. SADHANA S. JADHAV, J.]