

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

CRIMINAL BAIL APPLICATION NO.1445 OF 2019

Sunita Arjun Chavan

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep Patil, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PS Umesh Dundile, Tasgaon Police Station, Sangli, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th JULY, 2019

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No.64/18 registered with Tasgaon Police Station, Sangli, under sections 302, 114, 109, 504, 506 r/w 34 of the Indian Penal Code.

2. It is a very unfortunate and sad case in which the Applicant is arrested for commission of murder of her six months old son Aryan.

3. The FIR is lodged on 27/02/2018 by PSI Pradip Pandurang Chaudhary. He has stated in his FIR that their police station was directed to enquire into the accidental death of Aryan. The inquiry was conducted u/s 174 of Cr.P.C. Dinkar Ramchandra Tambvekar, who was Applicant' father, had given information about Aryan's death. On further enquiries the police came to know that the Applicant's in laws and husband were suspecting her character. The Police went to the spot and observed the signs on the dead body of Aryan. The dead body was sent for post-mortem examination. The first informant and others observed that Aryan had some signs on his throat indicating throttling. It was mentioned in the post-mortem examination notes that the cause of death was “throttling”. The police closely observed the marks on the throat of the dead body. They found that the ring in the hands of the present Applicant matched with those marks. Therefore the police enquired with the Applicant. During the enquiry the Applicant gave her version how she was compelled to commit murder of her son Aryan.

4. It is mentioned in the FIR that the Applicant told police about her misfortune. According to her, since the date of marriage; her husband, mother-in-law and sister-in-law harassed her. She got pregnant soon after her marriage. Her mother-in-law was suspecting her character. After the birth of her son nobody from her husband's family came to see her. However, she came back to reside in her matrimonial house. Her son Aryan as well as she herself were tortured by her in-laws. They were alleging that Aryan looked like her cousin. They were doubting her character. They were saying that either the Applicant should kill Aryan or they would do so. They were also threatening to commit murder of Applicant's parents. The family of the husband actually physically tortured Aryan and the husband of the Applicant was forcing her to commit his murder. On the date of incident i.e. on 25/02/2018 the Applicant was mercilessly beaten by her husband. She was under the fear that the husband would not only kill her, but would also kill her son. Therefore left with no option, the Applicant pressed Aryan's throat and by throttling him committed his murder.

5. The Applicant was arrested on 27/02/2018 and since then she is in custody. The investigation in this case is over and the charge-sheet is filed. In the charge-sheet there are statements of Applicant's parents and neighbours. The prosecution case at this stage is squarely based on the same facts as are mentioned in the FIR.
6. Heard learned Counsel Mr.Kuldeep Patil for the Applicant and learned APP Ms.S.S.Kaushik for the State.
7. Mr.Kuldeep Patil submitted that assuming everything to be true, the FIR indicates that the Applicant was compelled to commit murder of her son otherwise there was absolutely no motive for her to do so. The FIR shows that she was tortured to such an extent that she not only feared for her son's life, but for her own life as well as for her parents' life.
8. Learned APP Ms.S.S. Kaushik submitted that the

offence is serious and therefore the Applicant should not be released on bail.

9. I have considered the circumstances in this case. The facts in this case are extremely unfortunate. It is very unnatural that a mother would commit murder of her son for no reason by throttling him. Nothing can be more tragic than this. However, the FIR itself indicates all the circumstances showing how and why this act was committed by the Applicant. Ultimately, these circumstances can be taken into consideration during trial. However, at this stage it is sufficient to observe that the Applicant is not a criminal having any antecedents. She was compelled to commit murder of her son because her in-laws including her husband were doubting her character and were suspecting paternity of her child. The narration in the FIR indicates that it is not the Applicant, but her husband was responsible for the offence. He had compelled the Applicant to take this step. In this view of the matter, at least for consideration bail, lenient view can be taken at this stage. The

Applicant can be directed to be released on bail taking into consideration the unfortunate circumstances under which the incident took place. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.64/18 registered with Tasgaon Police Station, Sangli, on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)