

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Bail Application No. 650 / 2021

Vitthal Nilappa Pujari

... Applicant

Vs

The State of Maharashtra

... Respondent

Mr. Ritesh Thobde a/w Mr. Sagar Tambe, Advocate for the Applicant.

Mrs. Veera Shinde, APP for the State.

Mr. T.D. Rathod, A.P.I., Akkalkot South Police Station, Solapur.

CORAM : SANDEEP K SHINDE J.

DATE : 7th APRIL, 2020.

P.C. :

Heard.

1. Applicant seeks his enlargement on bail in connection with the Crime No. 375 / 2020 registered with Akkalkot South Police Station, District Solapur for the offences punishable under Sections 302,

109, 323, 506, 498-A read with 34 of the Indian Penal Code.

2. Complainant is mother. Deceased, is infant of 44 days. Accused no.1 is husband; Accused no.2 is mother-in-law and Accused no. 3 is brother-in-law, (applicant herein). Death of infant was informed by Complainant on 18th August, 2020, whereafter the accidental death case No. 39/2020 was registered. On the next day i.e. 19th August, mother of infant lodged the complaint. She alleged, since after her marriage i.e. 14th June, 2019, her husband, mother-in-law and brother-in-law were suspecting her character. Consequently, she was subjected to harassment. Complaint suggests that although she was conceived from husband, mother-in-law and brother-in-law and husband were forcing her to abort the fetus, alleging, she had conceived from illegitimate relationship. It appears the disputes and differences were settled through intervention of elderly family members, but even thereafter, Complainant was persistently harassed by mother-in-law and brother-in-law and husband. On 5th July, 2020, she delivered a baby girl. It is alleged that husband was disowning paternity of a

child and had refused to celebrate the birth of child. Complainant reported that on 10th August, 2020, naming ceremony was held. She alleged that on 18th August, 2020, she woke up in morning 6:00 am., whereafter had left home to answer the natures' call. At the material time, her mother-in-law was alone in the house. When Complainant returned home at around 7:00., she had noticed the child was a motion less. She had noted injury on lateral aspect by forehead on left side. It is Complainant case that her husband since was disowning the paternity of child, either mother-in-law or brother-in-law had killed her daughter at the instance of husband. On this set of allegation, the subject offence came to be registered.

3. Investigation is over and the Charge-sheet has been filed.

4. Except the allegations to say that the applicant was also harassing, complainant, evidence does not connect the applicant to the alleged crime. Prima facie the Complaint suggests, at the material time applicant was not in the house. It also suggests at the material time, her husband was in Bangalore. Although it is argued

by learned APP that there is another house at very short distance from the place of incident, where father-in-law, sister-in-law and brother-in-law of the applicant used to live, but there is no evidence to suggest at the material time, the applicant was either present in the house, where the incident had taken place or even the second house.

5. It may be stated that the applicant is eighteen year old and there are no criminal antecedents against him. Although the offence is grave and capital punishment is prescribed in absence of material to connect the applicant to the alleged crime, applicant is entitled to be released on bail. The application is allowed and hence the following order.

ORDER

(i) The applicant shall be released on bail in Crime No. 375 / 2020 registered with Akkalkot South Police Station, on executing PR bond for the sum of Rs.30,000/-with one or more sureties in like sum.

(ii) The applicant shall report to the Investigating Officer twice a month i.e. Second and Fourth Monday of the month commencing from April, 2021 between 11:00 am. to 01:00.

(iii) The applicant shall furnish particulars of his permanent residential address and contact details to the Investigating Officer forthwith.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. Application is allowed and disposed of accordingly.

7. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)