

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

BAIL APPLICATION NO.3632 OF 2021

Mrs. Nirmala Malcum Itur Applicant

Vs.

The State of Maharashtra Respondent

Ms. Heena Suvarnakar i/by Saili N. Dhuru for Applicant.
Ms. Sharmila S. Kaushik, APP for State.
PSI Vishnu Waghmode, Vasai Police Station

Coram : NITIN W. SAMBRE, J.
Date : 24TH NOVEMBER, 2021

P.C.:

1. The applicant is seeking regular bail in Crime No. 462 of 2020, registered with Vasai Police Station, for an offence punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.
2. The applicant was blessed with two daughters, of which one was found dead in the water tank. Since the applicant being mother of deceased came to be charge-sheeted based on the circumstantial evidence. She was arrested on 30th December, 2020.

3. In the aforesaid backdrop, contentions of the learned counsel for the applicant are, the evidence available on record is too weak to achieve the conviction of the applicant for serious offence of murder. She would further claim that the mother-in-law who was looking after other siblings has recently expired and as such there is necessity of ordering the applicant to be released on bail.

4. Learned APP opposed the prayer and submits that the trial may be expedited.

5. Considered submissions.

6. The applicant gave birth to twins (daughters) of which one was found dead in the water tank. The statements of witnesses though speak of the applicant confessed to have committed an act as alleged by the applicant, however, such extra judicial confession and claim that the child was lastly seen in the custody of the applicant is weak piece of evidence.

7. There is no direct evidence available on record to connect the applicant to the crime in question. That being so, a case for grant of bail is made out. The application is allowed on following conditions :

ORDER

(i) The applicant be released on bail in Crime No. 462 of 2020, registered with Vasai Police Station, for an offence punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, on furnishing P.R. bond in the sum of 15,000/- with one or more sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(NITIN W. SAMBRE, J.)

BHALCHANDRA
GOPAL
DUSANE

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