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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 736 OF 2022**

Smt. Nirmala Kailas Varma Applicant.
V/s
State of Maharashtra Respondent.

Mr. Anand S. Shalgaonkar for the Applicant.
Mr. A.A. Palkar, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 23, 2022

P.C.:-

1] Applicant is seeking regular bail in C.R. No.60 of 2021 registered with Market Yard Police Station, Pune for the offence punishable under Section 302 of the IPC.

2] The case of the prosecution is, the deceased, three year old child happened to be son of sister of the Applicant, was killed by Applicant by giving him push in the ditch containing water which was meant for installation of lift. Motive attributed is, mother of the deceased child i.e. Applicant's sister was having illicit relations with the Applicant's husband.

3] Prosecution case is supported by CCTV footage and extra judicial confession and theory of illicit relation. The said theory of illicit relation is claimed to have been substantiated by the statements of

independent witnesses.

4] However, this Court is required to be sensitive to the fact that case of the prosecution is entirely based on circumstantial evidence. Applicant is a female and her Application is required to be considered with more sensitivity.

5] As such, Applicant is directed to be released on bail in C.R. No.60 of 2021 registered with Market Yard Police Station, Pune for the offence punishable under Section 302 of the IPC on executing P.R. Bond of Rs 15000/- with one or two local sureties in the like amount Applicant shall neither influence the witnesses nor tamper with the evidence.

6] Application is disposed of.

(NITIN W. SAMBRE, J.)