

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1518 OF 2020

Manoj Dattu Shinde

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Aniket Nikam i/be Mr.Vivek N. Arote for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 4 APRIL 2022

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P.C.

. By this Application, the Applicant along with co-accused has been charge-sheet for the offence punishable under Section 302, 109, 112 read with Section 34 of the Indian Penal Code, arising out of Crime No.866 of 2020 registered with Indapur Police Station, District-Pune (Rural).

2. The Applicant had a matrimonial dispute with his wife who is informant in this case. The informant had delivered a child on 18 March 2020.

3. According to the prosecution the Applicant was suspecting the legitimacy of the child alleging that it was not born out of the matrimonial relationship between the Applicant and

his wife. It is also alleged that the Applicant had threatened to kill the child.

4. On 31 July 2020 the informant left the house for bringing milk when the child was sleeping at home. The Applicant and his mother were at home. When the informant returned at about 7.00 o'clock in the morning she did not find the child. One of the neighbour informed that the dead body of the child was floating in a near by well. Thus according to the prosecution the Applicant and his mother (who is the co-accused) have intentionally caused the death of the child by throwing in the well.

5. Heard learned counsel for the parties. Perused record.

6. It can be seen that at the highest the prosecution is relying on a strong motive, inasmuch as the Applicant was suspecting that the child was legitimate and on account of that has intentionally caused the death of the child. The co-accused the mother of the Applicant is released on bail.

7. It can *prima facie* be seen that except motive no other material has been brought on record, except that the Applicant

and his mother were at whom along with the child when the informant had gone out for fetching milk.

8. The investigation is complete and charge-sheet is filed. The co-accused is stated to have been released on bail.

9. In such circumstances, the following order is passed.

ORDER

(i) The applicant-Manoj Dattu Shinde be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Sessions Judge, during the trial, unless exempted.

(iii) The applicant shall not tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Sessions Judge.

(vi) It is made clear that the observations herein are only for the purpose of deciding the Application for bail and learned Sessions Court shall not be influenced by the same at the trial.

(vii) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.