



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

BAIL APPLICATION NO.1597 OF 2023

SAPANA BAJRANG MAGDOOM ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Satyam Nimbalkar a/w Adv. Omkar R. Chitale a/w Adv.
Abhishek U. Arote for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 328, 363, 201, 181, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 30.11.2021 vide C.R. No.439 of 2021 with Kalachowki Police Station.
- 3.** The prosecution case is that the applicant is responsible for the death of her daughter who was four months of age.

4. Learned APP opposed the application for bail.

5. The case against the applicant is based on circumstantial evidence. With the assistance of learned counsel for the applicant as well as learned APP I have gone through the relevant materials and the statements of the witnesses. The applicant was arrested on 02.12.2021. The applicant is in custody for more than one year and eleven months. The trial is likely to take a long time to conclude as even the charge has not been framed. The applicant is a woman. Any further custody of the applicant will only be by way of pre-trial punishment. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Sapana Bajrang Magdoo in connection with C.R. No.439 of 2021 registered with Kalachowki Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)