



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.236 OF 2025

Nisha w/o Bhaskar Pradhan

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Desaigunj, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. R. Thakur, Counsel for the applicant.

Mr. M. K. Pathan, APP for the non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2025

1. The present application is preferred by the applicant, who is the mother of the deceased for seeking bail in connection with Crime No.253/2023 registered with Police Station Desaigunj, District Gadchiroli for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

2. The allegation against the present applicant is that deceased one month's old female child was seen in a plastic tub floating there and one brick was kept over her and she is died due to drowning. On the basis of the said information, initially, a merg report was registered and during the investigation, the statements of the witnesses were recorded and it revealed to the Investigating Officer that present applicant has not reported to the police and she has killed the said child as other family

members were not intending to have a female child. On the basis of the said investigation, the crime was registered against the present applicant.

3. Learned Counsel for the applicant submitted that the statement of the witness, who was sleeping along with the present applicant states that even the applicant was not known how and who has taken the said child outside the house and caused the death. As far as the allegations are concerned, which is only to the extent that she has not reported to the police, the homicidal death of the deceased is caused. Whether it is caused by the present applicant, there is no other material available and collected by the Investigating Officer. In view of that and considering the investigation is completed, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that during the investigation, the Asha Worker was called after seeing the death of the deceased in the tub and one brick was kept over the person therefore, the suspicion was raised regarding the death of the deceased and during the investigation, the involvement of the present applicant revealed. In view of that, the application deserves to be rejected.

5. After perusal of the investigation papers and various statements of the witnesses, admittedly nothing is on record to show that it was a present applicant, who has taken her out of the house and

kept her in a tub. Thus, as far as the direct evidence is concerned, which is not available to show the involvement of the present applicant in causing the death. The allegation shows that she has not reported the said incident to the police. Considering the role attributed and the nature of the investigation, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Nisha w/o Bhaskar Pradhan** shall be released on bail in connection with Crime No.253/2023 registered with Police Station Desaijunj, District Gadchiroli for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)