

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

CRIMINAL APPLICATION NO.165 OF 2026

Shamim Girjesingh Khan alias Brijesh Pal

..vs..

State of Maharashtra

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

Court's or Judge's orders

 Mr. Sk. Sabahad Ullah, Advocate a/w Mr. Syed Salman Alia
 Advocate for the applicant .
 Shri A.R. Chutke, APP for the non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.519 of 2025 registered with Tahsil Police station, District Nagpur for the offence punishable under Sections 317 and 304 of the Indian Penal Code, 1860.

3. Initially, the Marg was registered. After the investigation, it was revealed that on 01.12.2023 at Mayo Hospital, Nagpur one lady admitted herself in the hospital for delivery and delivered the baby(male) in the morning at 08.00 a.m., however she fled from the hospital. Thereafter, the infant was admitted in NICU and was under observation, however on 08.12.2023 at about 8.05 a.m. infant was declared dead on account of being abandoned. On the basis of this information, the FIR came to be lodged and during investigation, the name of the present applicant has been revealed.

4. Learned Counsel for the applicant states that the offence under Sections 317 and 304 of IPC cannot be

made out. So far as Section 317 of IPC is concerned, it is bailable. Further, according to him, the ingredients to attract Section 304 is not made out in the entire charge-sheet. The incident took place in the year 2023 whilst the applicant was arrested on 16.08.2025. It is further submitted that there is every possibility that due to poverty, she has abandoned her child as her husband has left her. And therefore, the applicant deserves to be enlarged on bail.

5. On the other hand, learned APP opposes the application stating that when it was the duty of the applicant to take care of her new born child, she fled away from the hospital and abandoned the child on the same day, which resulted into the death of child after 7 days during the treatment. According to him, considering the conduct of the applicant, she may not be released on bail.

6. I have considered the rival submission. Admittedly, Section 317 of IPC is bailable. So far as Section 304 of IPC is concerned, in my opinion, the ingredients to attract said section is not available on record and as the investigation is complete and charge-sheet is filed, the applicant deserves to be enlarged on bail. Hence, the following order :

- (a) The application is allowed.
- (b) The applicant Shamim Girjesingh Khan alias Brijesh Pal in connection with Crime No.519 of 2025 registered with the Tahsil Police station, District Nagpur be released on bail on furnishing P.R. bond of Rs.10,000/- with one surety in the like amount.

- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (d) The accused shall provide her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency.
 - (e) The accused shall attend each and every date of trial regularly. If she fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, her default would entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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