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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2430 OF 2024

Pooja Nankan Prasad ... Applicant
Versus
The State of Maharashtra ... Respondent

Ms. Chandni Chawla for the Applicant.
Mr. Babu V. Holambe-Patil, APP for Respondent-State.
PSI - Ganesh Raghunath Bhabad, Manpada Police Station.

CORAM: MANISH PITALE, J.
DATE : 22nd JULY 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant has approached this Court seeking bail as he was arrested on 26th September 2018. The FIR was registered on 26th September 2018 for offence under Sections 302 and 201 of the Indian Penal Code, 1860 (IPC).

3. The allegation against the applicant is that she caused the death of her own daughter, who was about one year and twenty days old at the time of the incident. The investigation was completed and charge-sheet was filed.

4. The learned counsel for the applicant submitted that in the present case there is only one purported eye-witness i.e. the son of the applicant, who at the relevant time was only four years old. It

is further submitted that an extra judicial confession is said to be the basis of the prosecution case. It is specifically submitted that the applicant is a woman, having undergone five years and ten months of incarceration and since even charges have not been framed, this Court may consider enlarging the applicant on bail by imposing appropriate conditions.

5. On the other hand, the learned APP has opposed the present application. He submits that there is sufficient material on record to indicate the direct involvement of the applicant in strangulating her own girl child, who was about one year and twenty days old at the time of the incident. The statement of the eye-witness to the incident and surrounding circumstances borne out by the statements of other witnesses, clearly indicate the involvement of the applicant. It is submitted that this Court may expedite the trial, for which the prosecution shall take all necessary steps to cooperate with the trial Court.

6. This Court has considered the material on record. The offence against the applicant is serious. She is alleged to have done her own daughter to death, who was about one year and twenty days old. The minor child was strangulated to death. The postmortem report sufficiently describes the cause of death.

7. The documents on record show that the son of the applicant, who at the relevant time was four years old, specifically stated during the course of investigation that his mother i.e. the applicant killed the minor girl child. His statement recorded under

Section 164 of Code of Criminal Procedure, 1973 (Cr.P.C.) is also consistent with the aforesaid statement.

8. The informant is the husband of the applicant, who has stated that when the applicant was specifically asked as to what had happened, she had herself confessed in his presence and in the presence of other witnesses about the fact that she had caused death of the minor girl child. The statements of other witnesses are also consistent with the said position.

9. Therefore, on merits, the applicant has failed to make out any case for granting bail. As regards long incarceration, this Court is of the opinion that specific directions can be issued so that the trial itself is expedited. The record shows that 24 witnesses have been cited in the charge-sheet. The learned APP submits that all the witnesses may not be examined and that the trial can be completed expeditiously.

10. In view of the above, the application is dismissed.

11. However, the trial Court is directed to frame charges within six weeks from today. The trial shall be completed expeditiously and in any case, within nine months from today. If the trial is not completed within the stipulated period of time and the delay is not attributable to the applicant, she would be at liberty to renew her prayer for bail.

MANISH PITALE, J.