



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

CRIMINAL APPLICATION NO.1129 OF 2026

Gopinath Janku Pradhan

..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. U.E. Quazi, Advocate for the applicant (appointed).
Mr. U.R. Phasate, APP for the non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 09.09.2026.

Heard.

By this application, the applicant is seeking bail in connection with Crime No.253/2023 registered with Desaijanj police Station, Gadchiroli for the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

2. The FIR came to be lodged alleging that the applicant – grandfather of the deceased child and his family members in collusion with each other have killed the deceased i.e. one month old girl child, for the reasons that she was the second girl child by drowning her into the tub and placing a brick on her back so that she cannot move. One Aasha worker got suspicious and informed the police about the said incident, and therefore, the report.

3. Learned Counsel for the applicant submits that absolutely there is no evidence against the applicant in respect of the murder of one month girl child –

granddaughter of the applicant. It is alleged in the FIR that as the deceased child was the second girl child born to the son and daughter in law of the applicant, however the applicant preferred a male child and did not want female child, all accused person including the applicant killed her by drowning in the tub. He further submits that it is difficult to connect the applicant with the alleged crime though the incident occurred in his house as it was noticed by the applicant only after hue and cry by other family members. It is also submitted that the mother of the deceased child has already been granted bail and therefore, the applicant deserves to be granted bail on the ground of parity also.

4. On the other hand, learned APP vehemently opposed the application on the ground that the offence is very heinous in nature as one month child is killed only because she is girl child by the applicant and other family members. He submits that the child was found in the tub and a brick was placed on her back, so that she should not move. As per the Postmortem report, the cause of death is shown as "Asphyxia due to drowning". The applicant for the first time noticed the deceased infant was in the tub and therefore, how the child died is within his special knowledge as the incident occurred in four walls of his house. Therefore, the application is prayed to be rejected.

5. I have considered the rival submissions and perused the record.

6. It is deeply unfortunate that, even after 80 years

of independence, people in our country still prefer a male child. This is a classic example of the murder of a girl child, because she was the second daughter and the family does not want 2nd daughter. After perusal of the charge-sheet, it appears from the record that dead body of one month girl child was found in the tub wherein one brick was placed on her back so that she should not move. The said incident occurred in the house of the applicant. All the accused persons made hue and cry that someone has killed the child and it appears that they have created a scene stating that one door was open and possibly some animal or dog had carried the child in the midnight. Upon perusal of the statements of various witnesses, it appears that the applicant was present in the house at the relevant time and the fact of death of one month girl child is within the special knowledge of all the family members and the applicant. However, they have created the aforesaid scene. It is further to be noted that cremation of the deceased child was also conducted in a hurried manner, however, upon suspicion, one Aasha worker, who is the informant has informed about the same to the concerned Police. Accordingly, the dead body was exhumed and the postmortem was conducted wherein the cause of death was shown as 'asphyxia due to drowning'.

7. It is to be noted that the Aasha worker informed the family members of the applicant that it is a police case, however nobody paid any heed and declined to inform about the incident to the police. This conduct is itself highly objectionable and pin points the finger

towards accused including the applicant.

8. Considering the conduct and the mode and manner of the crime, I am not inclined to enlarge the applicant on bail. Hence, the application stands rejected.

9. Fees of the appointed Counsel be quantified as per rules.

(M.M. NERLIKAR, J.)

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