

Darshan Patil

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

BAIL APPLICATION NO. 4092 OF 2021

Dimple Sunil Warthe ..Applicant
vs.
State of Maharashtra ..Respondent

Mr. Shriganesh S. Sawalkar a/w Ms. Mumtaz Mulla a/w S. Shinde a/w Mr. Rahul Bhise for applicant.
Mr. S.H. Yadav APP for respondent.
Mr. Bharat Rane, PSI, Kandivali Police Station

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2022

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for bail in respect of C.R. No. 652 of 2019, registered with Kandivali Police Station, for the offence punishable under sections 317, 302, 201 of Indian Penal Code, 1860.
3. It is alleged that the applicant threw her new born baby from the top of the building. The date of the incident is 05/12/2019. From the record, it appears that the

applicant was upset with her husband, as according to her, he was having illicit relations with another woman. The applicant is working as a house maid and she is in custody since more than 2 years and 11 months.

4. This is an unfortunate case where the applicant delivered the child at about 2.30 pm and herself cut the umbilical cord with a knife. At the relevant time, she was residing with her sister in law. The charge-sheet has already been filed. No purpose will be served by prolonging the custody of the applicant – a woman any further. The possibility of the trial commencing any time soon in the near future is remote. Hence the following order.

ORDER

(a) The applicant – Dimple Sunil Warthe, in connection with C.R.No 652 of 2019 registered with Kandivali Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs 10,000/- with one or more sureties of the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 10,000/- for a period of 4 weeks in lieu of surety.

(c) The applicant shall report to the concerned police station as and when called.

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

5. The application is disposed of.

(M. S. KARNIK, J.)