

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.1442 OF 2020**

Nilesh Balu Pradhane ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Tejas P. Hilge, Advocate for the Applicant.

Ms. P.P. Shinde, for the Respondent - State.

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : 30<sup>th</sup> APRIL 2021.**

**PC. : Through Video Conferencing.**

1. Heard the learned counsel for the applicant and the learned counsel for the Respondent – State.

2. This is an application under section 439 of Code of Criminal Procedure. The applicant herein was arrested on 27<sup>th</sup> February 2020 in Crime No.107 of 2020 registered at Shirol Police Station for the offences punishable under section 304 and 328 of the Indian Penal Code.

3. The applicant happens to be a teacher. On 25<sup>th</sup> February 2020 Namdeo Mali, father of Sanika lodged a report at the Police Station alleging therein that on that day when he returned home from his work he was informed by his wife that a foul smell is emanating from the water bottle which Sanika had carried to the school. It smelt of pesticide. Thereafter, Sanika had vomited. She was taken to the Hospital. While in transit, upon inquiry, Sanika had disclosed that after returning from the laboratory she was feeling thirsty and therefore, she had drunk water from the said bottle. She had also disclosed that she had been vomiting throughout. She was taken to Shatayu Hospital. Doctor had informed that it is a case of poisoning. The information was given to Shirol Police Station. Accordingly, Smt. Mali of Shirol Police Station had come to the Hospital. She had recorded the statement of Sanika who disclosed that on 20<sup>th</sup> February 2020 at about 10.00 am after completing her Science practicals she had drunk water. She felt nauseating and thereafter, she started vomiting. She had categorically disclosed that she had no knowledge as to whether anyone had mixed any spurious material in her water bottle. However, she disclosed that she had some trifling quarrel with her classmates viz. Samruddhi Patil and Prerna Bhosale and therefore, she was not sure as to whether the

said girls had mixed some spurious liquid in her water bottle. On 25<sup>th</sup> February 2020 Sanika expired.

4. In the course of investigation, statements of Samruddhi and Prerna were recorded and according to them, Sanika used to talk quite often to the applicant who happens to be their teacher and the girls had teased her over the same. She was annoyed and therefore, there was a quarrel between the girls.

5. On 27<sup>th</sup> February 2020, the applicant was taken into custody on suspicion and on 28<sup>th</sup> February 2020 there is a recovery of pesticides viz. Profex Super which he has purchased from the fertilizer shop. Besides the said recovery there is no material to connect the present applicant with the alleged offence. It is not the case of the prosecution that the applicant was seen mixing the spurious material in her water bottle. The Investigating Agency has recorded the statement of one Sachin Rajmane who is a servant in Balaji Seeds and Fertilizer. He had disclosed to the Police that on 14<sup>th</sup> February 2020 the applicant had purchased Profex super 100 ml insecticide. Further, same cannot connect the applicant with the alleged offence. Investigation is

completed and charge sheet is filed. The applicant is in custody for more than one year. Hence, the applicant deserves to be released on bail. Hence, the following order :-

**ORDER**

- (i) The application is allowed;
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount;
- (iii) Application is disposed of on above terms;
- (iv) Parties to act upon an authenticated copy of this order.

**(SMT. SADHANA S. JADHAV, J)**