

MHRG010008602024



Order below Exh. 6 in Session Case No.19/2024

(State Vs. Shital)

Introduction :-

The accused, Shital Sadanand Pole, has moved an application for the grant of regular bail in connection with the case of the alleged double murder of her own children, Sarthak and Aaradhya, who were found strangled to death in her residence on 31-03-2024. The accused has been charged under sections 302 of the Indian Penal Code.

Factual Background :-

The prosecution contends that the accused, a mother of two children, allegedly murdered her children by strangulation within her own house as they were hurdle for in her illicit relation with third person. The bodies of the deceased were found in a condition suggesting premeditation and deliberation, with no signs of struggle. The investigation, including forensic analysis, reveals strong circumstantial evidence linking the accused to the crime scene.

Submissions of the Learned Counsel for the Accused :-

The learned counsel for the accused has argued that the accused is a mother and there is no direct evidence against her, thereby entitling her to regular bail. The counsel further

submits that the accused has no previous criminal record and is a woman of otherwise good character.

Submissions of the Learned Public Prosecutor :-

The learned D.G.P has opposed the grant of bail, submitting that the case is of a grave nature, involving the murder of the accused's own children. The prosecution has highlighted the presence of strong circumstantial evidence, including

1. Statements from neighbors suggesting presence of accused and her children in the house immediately before the commission of the crime.
2. Though final opinion as to cause of death is reserved for want of forensic evidence. However, P.M. report supporting the theory of strangulation.
3. Incriminating statements made by the accused during interrogation.
4. No plausible explanation for the deaths other than the involvement of the accused.

Analysis of the Case:

The court finds that the case is indeed one of a serious nature, where the alleged murders are not only gruesome but involve the killing of minor children by their own mother. The prosecution has provided strong circumstantial evidence to establish the accused's involvement, including:

1. The absence of any sign of forced entry, suggesting the children were likely killed by someone they knew and trusted.
2. No external injuries other than the strangulation marks, which point to a planned and deliberate killing.
3. The accused's conduct immediately after the incident, which raises suspicion.

The court notes that though there is no direct eyewitnesses, the circumstantial evidence is compelling enough to deny bail at this stage. The accused's release on bail at this juncture could potentially hamper the investigation and obstruct justice.

Conclusion:

In view of the gravity of the charges, the serious nature of the crime, and the strong circumstantial evidence pointing to the involvement of the accused, this court is of the opinion that the application for regular bail must be rejected.

ORDER

1. The application is rejected.
2. This order be intimated to the Jail authority forthwith.

Alibag,

Date:- 30/11/2024.

Sd/-

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	-	Sau.Manisha Sudhir Kadave Stenographer Grade-II
Name of Court	-	Shri. S.D.Bhagat, Additional Sessions Judge, Raigad-Alibag
Date of Order	-	30/11/2024.
Order signed by PO on	-	30 /11/2024.
Order uploaded on	-	/ 12 /2024.

(Sau.Manisha Sudhir Kadave)
Stenographer Grade-II