



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

CRIMINAL APPLICATION (BA) NO. 345 OF 2024

Poonam Satish Irpache V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V.Sirpurkar, counsel for the applicant.

Ms. Shamshi Haider, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/05/2024.

1. The applicant came to be arrested on 06/08/2023, in connection with Crime No. 652/2023 registered with Police Station Pulgaon, Tq. Deoli, District Wardha for the offence punishable under Section 302, 201 read with Section 34 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by the wife of the deceased on an allegation that the deceased Akbar Ali Jabbar Ali is her friend, and she is having two sons and one daughter. On 04/08/2023 her husband was present at her house till 5.00 p.m. Thereafter, he went outside the house for his work at about 11.00 p.m. after taking food when her husband went outside, and again came back and sat near the railway track at about 2.00 a.m., she heard talk going on between her husband and present applicant – Poonam, and thereafter, she came out and noticed that after chit-chatting both left the spot. It is further alleged that on 05/08/2023, she noticed that her husband was not

present in the house, and thereafter, she searched for him, and the dead body of the deceased was found on the next day. The informant identified the dead body of her husband, and thereafter, she lodged the report.

3. Learned counsel Mr. S.V. Sirpurkar for the applicant submitted that as far as the present applicant is concerned, she is not at all concerned with the alleged offence. Merely on suspicion, she is arrested. He submitted that the entire case is rested on circumstantial evidence. He pointed out from the statements of the witnesses, that the recitals of the FIR and the statements of the witnesses are completely contradictory to each other. The statements of the witnesses shows that, the presence of the deceased was seen in front of the house of the present applicant and thereafter, the deceased was taken inside the house. Whereas, the dead body of the deceased was found at a distance of 50 Km. from the spot of the incident.

4. He submitted that considering the nature of the entire circumstantial evidence, the involvement of the present applicant is nowhere reveals. He submitted that now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and therefore, the applicant be released on bail.

5. Learned APP strongly opposed the said application on the ground that though the case is rested on circumstantial evidence but the crime committed is heinous in nature. Considering the gravity of the offence, the application deserves to be rejected. She further pointed out from the

statements of the witnesses that the statements of the witnesses shows that the deceased had been to the house of the present applicant. Thereafter, the deceased was taken inside the house and thereafter, the dead body of the deceased was found. She submitted that, thus deceased was seen in both the cases as per the FIR and the statement shows that, the deceased was lastly seen in the company of the present applicant and thereafter, the dead body of the deceased was found. The cause of the death of the deceased is homicide. Due to the strangulation and thereafter, the dead body was thrown in the water. Thus, the dead body was found floating in the water. The P.M. Report shows the cause of the death due to strangulation. Considering all these facts and circumstances, the application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. From the investigation papers, it reveals that the FIR is lodged by the wife of the deceased, who stayed in the intervening night i.e. on the earlier night at about 12.00 a.m., she had seen the present applicant alongwith deceased. Admittedly, the contrary statements are dealt by the witnesses which shows that the deceased had been to the house of the present applicant and thereafter, the deceased was taken inside the house and thereafter, he was not seen alive but his dead body was found. In both circumstances, one thing is clear that the deceased was seen lastly in the company of the present applicant.

7. Moreover, the investigation is completed and charge-sheet is filed. Considering the nature of the evidence collected during the investigation and the gravity of the offence, the involvement of the present applicant is revealed and therefore, the application of the present applicant deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]