



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.786 OF 2024

(Mohan @ Sopan s/o Murlidhar Pusadkar Vs. 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. M.V. Rai, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- DECEMBER 2, 2024

By this application, the applicant is seeking bail as he came to be arrested on 02/02/2024 in connection with Crime No.99/2024 registered with police station Kharangana, District Wardha for the offence punishable under Section 302 of the IPC.

2. The crime is registered on the basis of report lodged by Yogita Choudhari on an allegation that her sister-in-law deceased Meerabai is residing in her neighbourhood along with her son i.e. the present applicant. On 02/02/2024 in the midnight one Premdas Atram came at her home and asked her to visit the house of Meerabai and see what happened there. Therefore, she visited the house of Meerabai and witnessed that Meerabai is lying in an injured condition and present applicant is sitting near to her. It is further alleged that the deceased was aware about the illicit relations between the present applicant and one Madhuri @ Sarika, and therefore, there used to be dispute between her and

present applicant who is the son. On that count, present applicant has committed her murder. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that deceased has sustained the injury on the one side of the body. She fallen in the bathroom and sustained the said injuries. As far as the present applicant is concerned who is not concerned with the alleged offence. There is no eye-witness to the said incident. Now, investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required.

4. Learned APP strongly opposed the application and submitted that the statements of the witnesses show that the deceased was restraining the present applicant for having the illicit relations with one lady, and therefore, he got angry and committed the murder of his own mother by throwing the stone on her face and she succumbed to the death. As far as the contention of the applicant is concerned that she fallen in the bathroom and sustained the injuries is falsified by the recitals of the spot panchnama. In view of that, prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers especially the spot panchnama from which it reveals that the blood

stains and pool of blood was found in the room not in the bathroom. Only the present applicant and the deceased were staying in the said house. There is no evidence that any other person entered in the house on that intervening night. The memorandum statement of the present applicant is recorded and at his instance the stone is recovered. Considering the circumstances under which the alleged incident has taken place and the present applicant who is the son has committed the murder of his own mother for a trifle reason, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*