



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

CRIMINAL APPLICATION (BA) NO.1012 OF 2024

Meera w/o Shriram Gour

Vs.

State of Maharashtra, Through Police Station, Jaripatka, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Nayak, Counsel for the applicant.
Ms. Kavita Bhongde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/11/2024

1. The applicant is the mother of the deceased who is arrested on 30.06.2024 in connection with Crime No.462/2024 registered with Police Station, Jaripatka, District Nagpur for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the Police Officer on the basis of information received from the brother of the deceased that in the intervening night of 28.06.2024 to 29.06.2024, when he was at the house, at that time, the deceased came to the house and there was altercation of the words between them, on account of communication with one Mohan Mohbiya and his wife and others. It is alleged that the deceased was asking them, why they have communicated with the

said Mohan in such a manner and he has caused damage to the household articles and thereafter, he was caught by the present applicant and the other co-accused and taken to the hospital, but he was declared dead as death is due to the ligature strangulation. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant. He invited my attention towards the various statements of the witnesses and submitted that none of the statements discloses that it was the present applicant who has hold the deceased at the neck and caused his death. He submitted that statements of the independent witnesses are also recorded which shows that there was a quarrel between the deceased and the present applicant and the other family members. Except the said statement, there is no other material to connect the present applicant with the alleged offence. He submitted that from the statements of the witnesses, it also reveals that the deceased was not behaving properly, he came at home under the influence of liquor and was abusing and trying to cause damage to the property as well as to the person of the other family members. He submitted that now the investigation is already completed, charge-sheet is filed. As there is no specific material on record to show that it was the

present applicant, who has hold the neck and strangulation the deceased, she be released on bail.

4. Learned APP strongly opposed the application on the ground that the alleged incident has occurred in the house of the deceased as well as the present applicant, at the relevant time the present applicant was also present. Death of the deceased is due to strangulation. Considering the same, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that the deceased came to the house under the influence of liquor. There was a hot exchange of words between the deceased and the other family members. The deceased has also caused the damage to the household articles and therefore, he was caught hold and as per the prosecution case, the statement of the witnesses he became unconscious and thereafter, succumbed to the death. The cause of the death is undisputedly due to the ligature strangulation. Admittedly, there is no direct evidence to connect the present applicant with the alleged offence. The statement of the witnesses also nowhere shows that it was the present applicant, who has hold him at the neck and strangled him. The statements of the independent witnesses who are neighbours are also only to the extent of the presence of the present applicant as well as the deceased and the other

family members in the house. The statement of the husband of the present applicant is also on record which shows that at the relevant time, the deceased came in the house under the influence of liquor and was quarreling with the family members and when he came on the ground floor, he witnessed the present applicant massaging legs of the deceased and thereafter, the deceased was taken to the hospital. Thus, considering the nature of the evidence collected during the investigation, the applicant has made out a case for grant of bail, view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Meera w/o Shriram Gour** shall be released on bail in connection with Crime No.462/2024 registered with Police Station, Jaripatka, District Nagpur for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(5)

38.ba.1012.2024.b

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate