



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1189 OF 2025

Krushna Thaksen Nirmal

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mrs. Charuta Sunil Deshmukh, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 18.08.2025

Pronounced on : 20.08.2025

ORDER :

1. This is a pre-arrest bail application in crime no. 1024 of 2024 registered at Shevgaon Police Station, District Ahmednagar for offence under Sections 103(1), 238 r/w 3(5) of BNS.

2. Learned counsel for the applicant submitted that there is false implication and moreover, on suspicion. She would point out that case is based on circumstantial evidence. Deceased was allegedly found in the well and death is attributed due to drowning. Thus, according to her, there is no incriminating material about present

applicant to be responsible for the death. Learned counsel took this Court through the FIR and would point out that report is lodged on 27.12.2024. Learned counsel pointed out that husband of informant, who was resident of Umapur, allegedly left the house on 05.11.2024 and since thereafter, there was said to be no contact. That, finally on 09.11.2024, dead body of her husband was noticed in the well, however, report to this extent is lodged on 27.12.2024 naming present applicant. Learned counsel pointed to the FIR and submitted that in the FIR itself, mere suspicion has been raised. As applicant is ready to cooperate with the investigation, she urges for relief of bail.

3. Learned APP opposed on the ground that serious offence is committed. He pointed out that, there is witness who had seen applicant in the company of deceased. That, there is circumstance of last seen together. That, dead body was tied to huge stone and thereafter thrown and so, it is not a case of drowning and rather it is a case of murder. For above reasons, learned APP has urged to dismiss the appeal.

4. Heard. Perused the papers. Informant Meera, resident of Umapur, taluka Georai seems to have lodged report that, her husband works in a company as a driver. Husband of her step sister Manisha,

used to visit their house and was in touch with her husband on phone and there used to be financial help between him and her husband. She reported that on 05.11.2024, her husband left to go to present applicant to seek dues of Rs.50,000/-, but thereafter there was no contact as her husband's phone was found to be switched off. On 06.11.2024 someone returned driving licence of her husband. That, her brother learnt about dead body of her husband lying in the well in village Lakhimapuri and it was extracted by police on 09.11.2024. As pointed out, in FIR itself, informant has raised suspicion against present applicant for death of her husband.

5. Learned APP pointed out that, there is witness Tulsabai on the circumstance of last seen together. Accordingly, perused the said statement of said lady. Apparently, her statement is recorded on 02.12.2024 in spite of she claiming that on 05.11.2024, her nephew Ram (deceased) had come along with unknown person, who was informed to be present applicant, and said lady informed that, both left to Lakhimapuri on motorcycle. She further claims that on 14.11.2025, she learnt about death of her nephew, i.e. informant's husband, by drowning in the well.

6. Learned APP, to the court query, fairly submitted that in postmortem report, time since death is not noted by autopsy surgeon. Therefore, taking above discussed material into consideration and as case is based on circumstantial evidence and moreover, when FIR is itself on suspicion, relief as prayed deserves to be granted. Hence, following order :

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with crime No. 1024 of 2024 registered at Shevgaon Police Station, District Ahmednagar for offence under Sections 103(1), 238 r/w 3(5) of BNS, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.
- III. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer till filing of the charge sheet and co-operate in the investigation.

[ABHAY S. WAGHWASE, J.]