



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1408 OF 2025

BHARTI PAMUSINGH PAPAIYA

VERSUS

THE STATE OF MAHARASHTRA

...

- Mr. S. S. Bora, Advocate for Applicant
- Mr. S. G. Sangle, Addl.PP for Respondent

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.11.2025

PER COURT :

1. The applicant has filed the present application, thereby praying for grant of regular bail in connection with First Information Report bearing Crime No. 95 of 2025, dated 18.03.2025, registered with Sillegaon Police Station, Taluka Gangapur, District Chhatrapati Sambhajinagar for the offence punishable under Section 103(1) and 238 of *Bhartiya Nyaya Sanhita*, 2023.

2. The deceased, *Pamusingh*, was the husband of the present applicant – *Bharati Papaiya*. Since the allegations that there was dispute between them that the applicant could not give birth to the child as such the applicant had struck stone on his head and killed him and thereafter with an intention to disappear evidence of this

crime, she put dead body of the deceased in a water tank in her residential house. The applicant is thus prosecuted for committing murder of her husband.

3. Mr. Bora, learned counsel appearing for the applicant submits that initially on the date of incident i.e. 13.03.2025, an accidental death was reported and during the course of enquiry under the accidental death report, a statement of *Nilesh*, who is the nephew of the deceased, was also recorded, wherein he had not raised any suspicion about the applicant committing the murder of the deceased. It is the submission that the FIR is filed belatedly on 18.03.2025 for the first time alleging homicidal death caused by the accused - applicant, who is the wife of the deceased. It is the submission of the learned counsel for the applicant that the statement of *Kiran Pardeshi* and one *Sunita Bhagure* would show that after taking of the dead body from the water tank the dead body was lying on the cot and as such there were some blood stains found.

4. Mr. Bora, the learned counsel for the applicant submits that this is the only reason that the learned lower Court below has rejected the bail application on the ground that there were blood stains found while recording the Spot *Punchnama* and the same if proved, may bring home the guilt of the present applicant. The

learned counsel, therefore, submits that the applicant is an age old lady and arrested and is behind the bars from 18.03.2025, and as such the applicant may be released on bail.

5. The learned Addl.PP vehemently opposes the bail application on the ground that the applicant is the wife of the deceased - *Pamusingh*, who has been turned to death, in a cold blooded manner and that the applicant was residing together with the deceased and there are mysterious circumstances under which the murder is committed. The Spot *Punchnama* also shows blood stains near the cot in the house and the stone by which the death is alleged to have been caused was also found near the water tank.

6. It is further submitted by the learned Addl.PP that the Post-Mortem report shows cause of death as 'head injury' and the relevant evidence is collected by the prosecution to bring home the guilt of the present applicant and this being the case, looking to the gravity of the offence, the present applicant may not be released on bail.

7. I have considered the entire charge-sheet and the relevant statements recorded by the Investigating Officer during the course of the investigation. The applicant is the wife of the deceased - *Pamusingh*, who was residing along with the deceased. The statements of *Kiran Pardeshi* and *Sunita Bhagure* clearly shows that

after the dead body was taken out from the water tank by the assistance of the Police Officers, who have arrived on the spot at 05:30 a.m. in the morning. The dead body was kept on the cot for quite some time that such there is every likelihood that the blood stains were found on the spot could have been after the body was taken out. The initial statement of nephew Nilesch during A.D. Enquiry does not raise any suspicion on the applicant committing murder. The applicant is behind bar since 18.03.2025. The trial would take its own time to conclude. Hence, I am inclined to grant bail. Hence, the following order :-

ORDER

A) The bail application is allowed in terms of prayer clause

(b), which reads as under:-

“b. That, the applicant may kindly be ordered to be released on bail in connection with First Information Report bearing CR No. 95/2025 dated 18.03.2025 registered with Sillegaon Police Station, Taluka Gangapur, Chhatrapati Sambhajinagar for the offence punishable under Section 103(1) and 238 of Bhartiya Nyaya Sanhita, 2023.”

B) The applicant shall be released on bail on furnishing PR Bond of Rs. 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

- C) The applicant shall remain present during the trial on each date, unless exempted by the trial Court for valid reasons.
- D) The applicant shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer as well as to the Trial Court, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of record and verification.
- E) The applicant shall not tamper with the prosecution evidence. A single report of the applicant pressurizing the witnesses on prosecutrix may entitle the prosecution to seek cancellation of the bail granted to the present applicant.

(MEHROZ K. PATHAN, J.)