

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No. 948 of 2025

Hiradevi Kripa Beast

Age 46 years, Occ: Housewife,

R/o.: Present at in room at

Swapnapurti Residence's

Parking lot, Manajinagar,

Narhe, Pune,

Permanent R/o. Kailali Nepal

At present lodged in Yerwada

Central Prison, Pune.

... Applicant

Versus

The State of Maharashtra

Through Sinhagad Road Police Station

C.R. No. 493 of 2024.

...Respondent

Mr Aniket Vagal, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

API S S Chavan, Sinhagad Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 26 September 2025

P.C.:

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CR No.493 of 2024, registered with Sinhagad Road Police Station, Pune City, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of prosecution that the accused/applicant Hiradevi, along with her husband/ deceased Kripa Devsingh Beast, are permanent residents of Kailali District, Nepal. At the relevant time, both were residing in a room situated within the parking premises of Swapnapurti Residency, Manaji Nagar, Narhe, Pune. On 8 September 2024, at approximately 19:15 hrs, while both the applicant/accused and her husband were present in their said dwelling, a domestic quarrel ensued between them. During the course of this altercation, the applicant/accused assaulted her husband with a knife by inflicting a stab injury on his chest, which resulted in his death.

3. Mr Aniket Vagal, learned Counsel appearing on behalf of the applicant submits that the investigation in the present matter has been concluded and the charge sheet has already been filed before the competent Court. It is further submitted that the prosecution case is devoid of any direct or ocular evidence, and the applicant has been falsely implicated in the alleged offence on the basis of fabricated or tutored witnesses, colloquially referred to as “got-up witnesses”. Learned Counsel further contends that although the prosecution has proposed to examine as many as twenty-two witnesses, the trial Court has not yet framed charges, despite the lapse of considerable time since the filing of the charge sheet. It is further submitted that

the entire prosecution narrative rests upon circumstantial evidence, which, upon scrutiny, fails to establish any credible or cogent link between the applicant and the commission of the alleged offence. The evidentiary material on record does not satisfy the threshold required to sustain a prima facie case against the applicant. Moreover, the weapon allegedly used in the commission of the offence has already been recovered by the investigating agency, and no further custodial interrogation of the applicant is warranted.

4. Attention is also invited to the statement of prosecution witness Shubham Kasbe, whose statement reveals that immediately after the incident, the applicant voluntarily approached certain individuals present in the parking area of the building and informed them that her husband had sustained injuries caused by the knife. Notably, this witness did not state that the applicant did confess or admit to having inflicted the said injuries upon her husband. This spontaneous disclosure, devoid of any inculpatory admission, further weakens the prosecution's case and militates against the theory of guilt.

5. Mr PP Jadhav, the learned Additional Public Prosecutor representing the respondent/State, opposes the bail application and submits that the nature of the offence is grave and serious,

involving allegations of homicidal violence. The role attributed to the applicant is central to the prosecution case, and the circumstances surrounding the incident require judicial scrutiny during trial.

6. Upon consideration of the submissions made and the material available on record, it appears that the prosecution case is founded on circumstantial evidence, and the absence of direct eyewitnesses to the incident. The recovery of the weapon and the applicant's post-incident conduct, as reflected in the witness statement, do not *prima facie* suggest any deliberate attempt to conceal or evade. The applicant is a woman with no prior criminal antecedents. The investigation is complete and the trial is yet to commence. In the facts and circumstances of this case, continued incarceration pending trial would not serve the ends of justice. Accordingly, the applicant is entitled to be released on bail. Hence, the following order:

Order

- (i) The applicant shall be released on bail upon executing a PR Bond of Rs.25,000/-, and furnishing one or more sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall not tamper

with the prosecution witnesses or evidence.

(iii) The applicant shall cooperate with the trial and shall not seek unnecessary adjournments.

(iv) The applicant shall not leave the jurisdiction of the trial Court without prior permission.

7. The bail application stands disposed of accordingly.

[R.N. Laddha, J.]