



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

CRIMINAL APPLICATION (ABA) NO.325 OF 2025

Meena w/o. Sopan Mirge

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Jalamb, District Buldhana

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

Court's or Judge's orders

Mr. P. A. Nemade, Counsel for the applicant.

Mr. C. A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/06/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.17/2025 registered with Police Station Jalamb, District Buldhana for the offence punishable under Sections 103(1), 109, 118(1), 352, 351(2), 351(3), 49, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Shriram Onkar Mirge on an allegation that the present applicant is related to them and there is old dispute pending between them on account of acquisition amount as their land was acquired in Jeegao Project, on that count on the day of incident i.e. on 17.01.2025 at about 12.00 noon,

the present applicant has thrown chilli powder on the person of the deceased and the co-accused given axe blow on the person of the deceased, due to which, he sustained the grievous injuries and subsequently, succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned Counsel for the applicant who submitted that as far as the allegation regarding throwing of the chilli powder in the eyes of the deceased is concerned, which is not substantiated either by the inquest panchnama or by the postmortem report. He submitted that the entire allegation itself is baseless. There are two incidents. The subsequent incident has taken place in the market-place. Thus, considering the nature of the investigation which nowhere shows that any particles of the chilli powder are found either on the dead body of the deceased while conducting the postmortem or noted during the inquest panchnama, the applicant has made out a case for grant of anticipatory bail as no *prima facie* case is made out against her.

4. Learned APP strongly opposed the said application and invited my attention towards the statements of the independent witnesses, who were present in the market-place, at the relevant time and submitted that the statements of the eye witnesses disclosed the specific role of the present applicant

and considering the same, *prima facie* case is made out against the present applicant, in view of that, the bail application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that allegation levelled against the present applicant is that due to the previous dispute, she and her husband came at the house of the deceased and the applicant has thrown the chilli powder at the relevant time, the co-accused has given the axe blow on the head of the deceased Shatrughna and deceased has sustained the grievous injuries and succumbed to the death. Admittedly, the inquest panchnama or the postmortem report nowhere discloses as to the presence of the chilli powder particles either on the dead body or clothes of the deceased, but the statements of the several eye witnesses are recorded during the investigation, who were present at the spot of incident, at the relevant time. The statements of the eye witnesses discloses the involvement of the present applicant with the alleged offence. It reveals from the statements that if the present applicant would not have assisted the other co-accused, it was difficult for the other co-accused to execute the act of giving the axe blow. Admittedly, the considerations for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 i.e. regular bail and considerations for grant of anticipatory bail are

different. While granting the anticipatory bail, the Court has to see the gravity of the offence, the likelihood of fleeing away of the applicant from the Court of justice and the conduct of the applicant. As far as the present applicant is concerned, which appears to be absconding from the general diary entries recorded by the investigating officer. Thus, considering the said fact and the statements of the eye witnesses *prima facie* case is made out against the present applicant, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)