



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

CRIMINAL APPLICATION (BA) NO. 1144 OF 2025

Mohd Asif Raja s/o Mohd Islam Ansari

Vs.

The State of Maharashtra thr. PSO, PS Wathora Dist. Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.N. Ali, Advocate for applicant.

Mr. A.R. Chutke, APP for the non-applicant/State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 11.12.2025.

The applicant is arrested in Crime No.318/2025 for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the brother of the first informant died due to smothering. The allegations are made that the brother of the complainant was suffering from paralysis. His wife was looking after the business of filtration of water. The allegations are that this applicant and the wife of the deceased were having illicit relations and because of said illicit relations, she along with this applicant had committed murder of the deceased.

3. Counsel for the applicant has stated that there is no any circumstance against this applicant. No last seen theory is there. It is not mentioned by any of the witnesses that they saw the applicant in the house of the deceased on that day or even earlier. Only because the wife of the deceased was having illicit relations and on the statement made by the co-accused, the crime is registered against this applicant. The statement of co-accused is not admissible. There is no any evidence against this applicant. The statement of the daughter is also not supported to implicate this applicant in the alleged offence and hence prayed to release the applicant on bail.

4. The learned A.P.P. opposed the application stating that the confessional statement is made by the co-accused wife of the deceased that she has committed said offence with the help of this applicant. There are statements which show that the applicant and wife of the deceased i.e. co-accused was having illicit relations. Because of said illicit relations, she has committed murder as the death is due to smothering. Co-accused is in jail. There is oral evidence against this applicant, hence he prayed to reject the application.

5. Heard both the learned Counsel for the respective parties.

6. The co-accused i.e. wife of deceased was having illicit relations with the applicant so, he is implicated in this case. The statement of witnesses are there about the illicit relations of this applicant and co-accused. On perusal of record, it appears that there is no any circumstance against this applicant except the statement of the co-accused which is inadmissible. Considering the allegations against this applicant and as there is no any circumstance against this applicant, the applicant deserves to be released on bail.

7. Accordingly, I proceed to pass the following order:-

i] The criminal application is allowed.

ii] The applicant shall be released on bail in Crime No.318/2025 for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

vi] The applicant shall co-operate the Investigating Officer.

The Criminal application is disposed of accordingly.

(MRS VRUSHALI V. JOSHI, J.)

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