



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

CRIMINAL APPLICATION (BA) NO.42 OF 2025

Mangala Pramod Mesare

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Balapur, District Akola

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

Court's or Judge's orders

Mr. A. S. Londhe, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2025

1. The applicant came to be arrested on 19.03.2024 in connection with Crime No.186/2024 registered with Police Station Balapur, District Akola for the offence punishable under Section 302 of the Indian Penal Code read with Section 34 of the Indian Penal Code.

2. Initially, the crime was registered on the basis of report lodged by Dnyaneshwar Shaligram Mesare, who is the brother of the deceased, against the unknown person, as the dead body of the deceased was found in the house having injuries on his neck. During the investigation, it revealed to the Investigating Officer that there was illicit relationship between the present applicant and the other co-accused and out of that relationship, the other

co-accused and the present applicant has committed murder by strangulating the neck of the deceased.

3. Heard learned Counsel Mr. Londhe for the applicant, who appeared through video conferencing submitted that as far as the illicit relationship is concerned, there is absolutely no material to connect the present applicant with the alleged offence. There is no direct or circumstantial evidence to show the involvement of the present applicant. Now the investigation is already completed and the charge-sheet is filed. In view of that, the applicant be released on bail as she is having three small children to look after, in view of that she be released on bail.

4. Learned APP strongly opposed the said application and submitted that the conduct of the present applicant itself is doubtful. She was residing along with the deceased and three children. The deceased was found dead during the night hours in the house. Except the present applicant, there was no other male or adult member present in the house. She has pretended that the death of the deceased is a natural death and not made any hue and cry as to the death of the deceased. She submitted that considering the conduct of the present applicant, her involvement appears to be there. Now the investigation is completed, charge-sheet is filed, the trial can be commenced at any point of time. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, there is no dispute as to the fact that the present applicant and deceased were husband and wife and they are having three children. At the time of incident, they were staying together. During the intervening night, deceased and the present applicant were present in the house and on the second day, the dead body of the deceased was found in the house. After the death of the deceased is occurred, the applicant has not made any hue and cry and she has pretended that the death of the deceased is natural one. During postmortem examination, it reveals that the death of the deceased is due to strangulation and after receipt of the postmortem report, she disclosed that the death of the deceased occurred in the house. The spot panchanama also nowhere shows regarding the entry of any third person in the house as the door of the house was found intact. Considering the entire circumstances, the involvement of the present applicant reveals, and therefore the application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)