



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 619 OF 2025

PUNAM D/O LAXMAN KHARCHHE

Vrs.

STATE OF MAHARASHTRA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Jaltare, Advocate for applicant.
Ms. Harshada Prabhu, A. P. P. for respondent-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 20/06/2025.

1. The applicant came to be arrested on 31/01/2025 in connection with Crime No.36/2023 registered under Sections 103(1), 49, 238 and 331(8) of the BNS.

2. A crime is registered on the basis of report lodged by Vrushali @ Bhamini Rajesh Tekade, who is her neighbour against unknown person. As per the recitals of the FIR on 19/01/2025 when the informant had been to the house of the deceased, the door was found open. Therefore, she entered in the house and found the deceased her husband in injured condition, though they were taken to the hospital, it was also found that the golden ornaments are stolen from the said house and it revealed to them that the dacoity is committed in the

house. On the basis of the said report, police have registered a crime against the unknown person.

3. During investigation, it revealed to the investigating agency that present applicant is the sister-in-law of the co-accused Gajanan and the sister of the deceased. There was illicit relationship between both of them and as the present applicant was insisting him to perform the marriage with her. Therefore, he committed murder of the deceased. On the basis of the said investigation, the applicant is arraigned as an accused.

4. Heard learned counsel for the applicant, who submitted that except the allegation that the present applicant was insisting the co-accused to perform marriage with her as he developed illicit relationship. There was no other material to connect with present applicant to the extent of showing her involvement in committing the murder. He invited my attention towards various statements of the witnesses and other material collected during the investigation and submitted that there was illicit relation since long, so nothing is happened accidentally, due to which the present applicant was insisting the co-accused to perform the marriage and thereby, the co-accused has committed murder. Even there is no allegation that in any manner, present applicant has assisted the co-accused to commit murder. Thus, except the said story of instigation by the present applicant to the co-accused to perform marriage with her is not sufficient

to hold that the present applicant is involved in the commission of murder.

5. Learned APP though strongly objected the said application, but fairly admitted that there is no direct evidence to connect the present applicant with the alleged incident. There is motive for her to commit the offence. She submitted that the co-accused is a Veterinary Doctor who has developed illicit relations with the present applicant and the present applicant was insisting him to perform marriage and therefore, the murder was committed. Thus, considering the same, the application deserves to be rejected.

6. On hearing both the sides and on perusal of entire investigation papers including various statements of the witnesses, the statements only disclose regarding the illicit relations between the present applicant and the other co-accused, as far as presence of the applicant at the spot of incident at any time when the murder was committed or her visit prior to the incident nothing is on record to show same. Thus, except the allegation that she was instigating the other co-accused to perform the marriage with her, there is no other material to connect her with the alleged offence. Now, the investigation is completed and charge sheet is already filed. Considering the nature of the allegations levelled against the present applicant, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order :-

ORDER

- i] The application is allowed.
 - ii] **Applicant – Punam d/o Laxman Kharche** be released on bail in connection with Crime No.36/2023 registered under Sections 103(1), 49, 238 and 331(8) of the BNS, on executing P. R. Bond of Rs.50,000/- with one solvent surety of the like amount.
 - iii] The applicant shall not enter into the vicinity of Borakhedi or Malkapur, till the culmination of trial.
 - iv] The applicant shall furnish a detailed address where she is intending to reside after she is released on bail.
 - v] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
 - vi] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.
7. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]