



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

CRIMINAL APPLICATION (BA) NO.969/2025

(Sau. Manisha Devanand @ Nandkishor Ghuge Vs. The State of Maharashtra)

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Advocate for the applicant.
Ms. Mrunal Barabde, A.P.P. for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 26.9.2025.

The applicant is arrested in Crime No.252/2024 for the offence punishable under Section 103(1) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case, in short, is that the applicant, who is the mother of the deceased, has committed the murder of her one and half year old son. The death is by drowning. It is alleged that she put her son in the water tank and covered it with basket and thereafter she took search of the child with others.

After two days, she has made an extra judicial confession in presence of her relatives and her husband that she had committed the said offence as she was having an extra martial affair with the friend of her husband.

3. The learned Advocate for the applicant has stated that the case rests on circumstantial evidence and no other material is there to connect the applicant to the offence. An extra judicial confession is a weak piece of evidence. He has relied on the judgment of the Hon'ble Apex Court in case of *Sahadevan and another V/s. State of Tamil Nadu* reported in (2012) 6 SCC 403 in support of his argument that where an extra judicial confession is surrounded by suspicious

circumstances, its credibility becomes doubtful and it loses its importance.

4. He has also relied on the judgment of the Hon'ble Apex Court in Criminal Appeal No.608/2013 (Ramu Appa Mahapatra V/s. The State of Maharashtra) wherein the Hon'ble Apex Court has summed up the principles which would make an extra judicial confession capable of forming the basis of conviction of an accused. The reliance is also placed on the order passed by this Court in Criminal Application (BA) No.1597/2023 (Sapana Bajrang Magdum V/s. State of Maharashtra) wherein in case of death of a child the woman was released on bail. The applicant has also relied on the judgment of the Hon'ble Apex Court in case of *State of Rajasthan V/s. Raja Ram* reported in **(2003) 8 SCC 180** wherein observations are made that the confession will have to be proved like any other fact. The evidentiary value of confession, like any other evidence, depends upon the veracity of the witness to whom it has been made.

5. It is further argued that an extra judicial confession is made before the husband and the friend of the applicant with whom she was having inimical terms. Hence, the statement of said witnesses will not be sufficient to keep the applicant behind the bars. Hence, prayed to release the applicant on bail.

6. The learned A.P.P. opposed the application stating that the applicant had made an extra judicial confession and at that time, the relatives were present. There is delay in lodging F.I.R. as the incident was disclosed by the applicant after two days and thereafter the crime is registered. The statements of other witnesses who were present there are corroborating to the statement of husband. The applicant was having extra marital affair as per the statement of friend of

husband of the applicant with whom she was having affair, and her ex-boy friend has also given the statement that she was having affair with him. Considering the statements of witnesses and the act committed by the applicant, prayed to reject the application.

7. Heard both sides and perused the record.

8. The law is very clear about the confessional statement. Learned Advocate for the applicant has relied on the judgment of the Hon'ble Apex Court but after considering the said judgments, it is clear that those judgments were passed after full-fledged trial, the evidence was evaluated and then the observations are made about the confessional statement. Here, in this case, the crime is registered on the basis of an extra judicial confession made by the applicant. The relatives of the husband of applicant were present in whose presence the confession was made. After the rituals, when the husband asked her, she stated in presence of other two witnesses about the act committed by her and they have also given the same statement about her extra judicial confession. Considering the act committed by the applicant, in my opinion, this is not a fit case to release the applicant on bail. Hence, the application is rejected.

(MRS.VRUSHALI V.JOSHI, J.)