IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 802 OF 2025

Sharanjit Kaur Khemsingh Pujari ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. P. B. Jadhav, Advocate for Applicant (through Legal Aid)
Mr. C. V. Bhadane, APP for the State.
Mr. S. R. Mantri, Advocate for the Informant.

**CORAM : SACHIN S. DESHMUKH, J.**
DATE : 16th JANUARY, 2026.

PER COURT :

1. Applicant has preferred this Application seeking regular bail in connection with Crime No. 0730/2024 registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 103-1, 238, 352, 351-2, 351-3 read with Section 3-5 of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution is that the Applicant is wife of deceased Khemsingh. Their marriage took place in the year 2017. The family of the deceased had a doubt that the Applicant used to have conversation with one unknown person on phone and on this count quarrel took place between the deceased and the Applicant.

About two months prior to the incident, the Applicant had allegedly accompanied with unknown person and was untraceable for two days. A complaint regarding same was presented with the police station. As a result of which, the quarrel between the deceased and the Applicant became more frequent. In the intervening night of 14.08.2024 and 15.08.2024, upon hearing quarrel between the deceased and the Applicant, when the informant had been to the house of deceased, he found the door of the house was not open. In the next morning when the informant again visited the house of the deceased, found the deceased lying outside the house. In this backdrop, First Information Report came to be lodged.

3. Learned Counsel for Applicant submits that this is a case based on circumstantial evidence and the Applicant is falsely implicated in the crime. There is no material on record to indicate complicity of the Applicant. There are no eye witnesses to the incident. Furthermore, nothing is to be recovered by the Applicant. Hence, prayed to allow the Application.

4. Per contra, learned APP and learned Counsel for the informant opposed the application by pointing out spot panchanama indicating

that the soil was mixed with blood. The weapon i.e. rod having bloodstains on it, used for committing murder is also collected by the Investigating Officer. It is further submitted that the co-accused is rejected bail. Hence, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusing the material on record, including the chare-sheet, it is apparent that owing to strained relations, the incident of scuffle has taken place between the Applicant and the deceased. It is evident from the spot panchanama that the body of the deceased was dragged out of the house which is corroborated by the injuries mentioned in the postmortem report. Statement of witness Malanbi establishes the theory of last seen against the present Applicant coupled with same, the bloodstains are found at several placed in the house, such as, on bed sheet, wall, bathroom, iron rod, etc. Thus, the involvement of the Applicant in the crime is, *prima facie*, apparent.

6. The Hon'ble Apex Court in case of Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. **[(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

"11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

7. Similarly, the Hon'ble Apex Court in case of Pralhad Singh Bhati Vs. NCT, Delhi **[(2001)4 SCC 280]**, held that on satisfaction of

prima facie evidence establishing the guilt of the accused, the bail can be denied. The Hon'ble Apex Court in the case of Mahipal Vs. Rajesh Kumar and Ors. **(AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

8. To secure bail, the Applicant must establish that the evidence collected and intended to be presented by the prosecution fails to establish a prima facie case of the Applicant's involvement in or commission of the alleged offence. Since this necessary aspect has not been satisfied by the applicant, the applicant is presently disentitled to claim the bail.

9. Resultantly, the bail application stands rejected.

10. Fees of the appointed Counsel is quantified at Rs. 7,000/- to be paid by High Legal Services, Sub-Committee, at Aurangabad.

(SACHIN S. DESHMUKH, J)

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