



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

CRIMINAL APPLICATION [BA] NO. 1 OF 2026.

Mina Sopan Mirge.

-VERSUS-

State of Maharashtra

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

Court's or Judge's Orders

Shri R.M. Daga, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 22, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.17/2025 registered with Jalamb Police Station, District Buldhana for the offence punishable under Sections 103[1], 118[1] and 3[5] of the Bhartiya Nyaya Sanhita, 2023 (BNS). Charge sheet has been filed and Sections 109, 352, 351[2], 351[3], 49 and 238 of the BNS came to be added.

3. The informant – Shriram Mirge lodged the report alleging that Sopan Mirge is his nephew. There was a dispute between their family in regard to disbursement of compensation amount of land which

was acquired for some project. He stated that on 17.01.2025 around 12 p.m. when he had been to market, he came to know that his son Shatrughan has been assaulted at Bramhanwada by his nephew Sopan by means of an axe, and when he reached there he found his son lying on the road in injured condition. Even wife of Shatrughan and her sister were also assaulted by Sopan, and when asked, it was informed that the applicant has thrown chilly powder in the eyes of the deceased and Sopan has assaulted him by means of an axe, and when they tried to intervene, they were also assaulted. Shatrughan succumbed to the injuries, and therefore, the report came to be filed.

4. The learned Counsel for the applicant submits that so far as the allegations against the present applicant are concerned, it is only to the extent of throwing chilly powder in the eyes of the deceased Shatrughana, however, main allegations are against her husband and other family members. He submits that the applicant is behind bar since 04.08.2025 and the role attributed to her is limited. It is further submitted that investigation is complete, charge sheet is filed and therefore, no purpose would be served by keeping the applicant behind bars. He therefore prayed for grant of regular bail to the applicant.

5. The learned A.P.P. opposed the prayer for grant of bail and submits that by throwing chilly powder in the eyes of the deceased, virtually he was restrained from defending himself. He further submits

that the conduct of the accused can be gathered from the fact that since the date of registration of offence against her, she was absconding for near about 8 months, and on 04.08.2025 she surrendered. He further submits that there are eye witnesses to the incident, and therefore, this is not a fit case to grant bail, and requested to reject the same.

6. Upon hearing the learned Counsel for the parties and after going through the charge sheet, admittedly there are eye witnesses to the incident. However, one fact is necessary to be considered that though the role is attributed against the applicant that she has thrown chilly powder in the eyes of the deceased, she has surrendered herself before the police. Thus from the papers it is revealed that limited role has been assigned to the present applicant. The applicant is a lady having two children aged 16 and 11 years, and her husband is in jail. Investigation in the matter is complete, charge sheet is filed and therefore, considering the above position, I am inclined to grant bail in the matter. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Mina Sopan Mirge be

released on regular bail in connection with Crime No.17/2025 registered with Jalamb Police Station, District Buldhana for the offence punishable under Sections 103[1], 118[1], 3[5], 109, 352, 351[2], 351[3], 49 and 238 of the Bhartiya Nyaya Sanhita, 2023 on her furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

- (iii) The accused shall not reside and enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If she fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, her default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE