

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

CRIMINAL APPLICATION NO. 141 OF 2026

Rajpal Sajjansingh Malviya

..vs..

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

Shri N.S. Padia, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 11.03.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.6 of 2025 registered with Khaparkheda Police Station, Nagpur Rural for the offence punishable under Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Initially Accidental Death was registered. Later on FIR came to be lodged by the informant Kamla on 03.01.2025 alleging murder of deceased minor girl Mansi at the hands of the accused no.1 Gunita, who is the mother of the deceased and the present applicant, with whom Gunita was having illicit relations.

4. Learned Counsel for the applicant submits that in the entire charge-sheet there is no material against the present applicant. Only in the confession made by accused no.1 Gunita before Kamlabai and other it is disclosed that the present applicant has assaulted deceased Mansi, who was three years of age at the time of the incident, with the help of wooden stick. Learned Counsel for the applicant submits that only confessional

statement cannot be considered against the applicant. Apart from this there is no material on record. The applicant and Gunita were having love affair since two years. Cause of death is shown as head injury however, absolutely there is no material to connect the present applicant with the alleged crime. In unusual circumstances, which surfaces on record, at the most the injury could be attributed to Gunita (accused no.1), who is the mother of the deceased, which could be gathered from the confessional statement that as deceased Mansi was not listening to the mother Gunita, therefore, she had beaten Mansi. However considering the weak type of material collected by the Investigating Officer, the applicant cannot be kept behind bar for an indefinite period as he was arrested on 03.01.2025 and as the investigation is complete and charge-sheet has been filed. Therefore, the applicant can be enlarged on bail.

5. On the other hand, learned APP vehemently opposes the application by submitting that the confession made by Gunita can very well be acted upon as the same is made before the registration of the FIR to Kamlabai Chamlate and also before the Police Patil and other villagers. It is further submitted that the facts which surfaces on record demonstrates that these are special facts which are within the knowledge of the present applicant and Gunita and therefore, the unusual conduct of Gunita could be gathered from several statements, that she was hiding something and upon insisting, she disclosed that the applicant had slapped as well as given a blow on the head of the deceased with the help of wooden stick, therefore, the applicant cannot be

enlarged on bail, since *prima facie* there is material against the present applicant.

6. I have heard the rival submissions. The FIR came to be lodged by Kamlabai, first wife of Tarachand. Accused no.1 Gunita is the second wife of Tarachand and deceased Mansi is the daughter of Gunita and Tarachand. It is an admitted fact that the cause of death is shown as head injury. In the entire episode, I do not find that disclosure regarding incident was made by the present applicant. However, the FIR was registered on the basis of disclosure made by Gunita, which cannot be acted upon against the present applicant. No doubt some unnatural facts have surfaced on record like maintaining silence by Gunita, did not taking the deceased to the Hospital and non-disclosure of the true fact by Gunita, however, all these facts do not connect the present applicant with the alleged crime.

7. Considering the fact that the investigation is complete and charge-sheet has been filed, and the applicant is behind the bar since 03.01.2025, I am inclined to enlarge the applicant on bail Hence, the following order :

- (a) The application is allowed.
- (b) The applicant Rajpal Sajjansingh Malviya in connection with Crime No.6 of 2025 registered with Khaparkheda Police Station, Nagpur Rural be released on bail on furnishing P.R. bond of Rs.50,000/- with one local surety and surety of a resident of Sonkutch, District Dewas, State of Madhya Pradesh in the like amount.

- (c) The applicant 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.
 - (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
8. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same.
9. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)