

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

CRIMINAL APPLICATION NO.214 OF 2026

Pushpa wd/o Ramkishor Parihar

..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 T.U. Tathod, Advocate for the applicant.
 Shri A.G. Mate, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 04.03.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.138 of 2025 registered with Shendurjana Ghat Police Station, Amravati Rural for the offence punishable under Sections 103(1), 238, 61(2), 95, 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR was lodged by the brother of the deceased alleging that there was constant quarrel between the deceased Ramkishor and his wife Pushpa as his wife was having illicit relations with their nephew Kapil. It is alleged that on 12.04.2025, on the information given by his sister, the informant and his wife went in search of deceased Ramkishor. That time they saw crowd gathered at a Well in a nearby agricultural field. Inside the well, they found the body of Ramkishor. When the body was taken out, it was clear that he had been brutally attacked with a sharp weapon showing deep wounds on his neck, chest and stomach.

Hence, the brother of the deceased lodged the report against the present applicant.

4. Learned Counsel for the applicant submits that in the entire charge-sheet there is no material against the applicant. CDR report shows frequent calls between the applicant and accused no.1 Kapil Parihar, from which it appears that there was extra marital relations between them. However, it is not sufficient to connect the present applicant with the alleged crime. Though the conspiracy is alleged against the applicant however in the entire charge-sheet there is no material to that effect. It is submitted that the case is based on circumstantial evidence only and the circumstances against the present applicant is only in the nature of CDR and therefore, he submits that in the absence of concrete evidence, only strong motive is not sufficient, hence, this is a fit case to enlarge the applicant on bail.

5. Learned Counsel for the applicant has also relied upon the order of this Court in *Criminal Application No.1454 of 2025 (Shamli Amit Gajbhiye vs. State of Maharashtra)* dated 06.02.2026, wherein this Court has granted bail to the applicant on the basis of same facts and circumstances. In paragraph 7, this Court has observed thus :

“7. On perusal of the first information report admittedly, there is no name of the present applicant in the FIR. It further appears that confessional statement was recorded of the main accused Rahul Tayade, wherein he has disclosed the name of the present applicant stating that she has instigated him. Further there is another incriminating circumstance in

the nature of CDR calls. However, it is to be borne in mind that even if, it is presumed that the present applicant and the main accused Rahul Tayade is having love affair with each other then in that case, there is every likelihood that there would be calls between them. Merely because there were calls between the two that by itself is not sufficient to connect the present applicant with the crime. There may be strong motive, however, in the absence of concrete evidence only strong motive is not sufficient. Considering the fact that disclosure statement which was made by the main accused Rahul Tayade against the present applicant is not admissible and another fact that only incriminating circumstance is the CDR reports. Under such circumstances, I am inclined to grant the bail. Hence, the following order :”

6. On the other hand, learned APP appearing for the State vehemently opposes the application submitting that admittedly, the applicant and accused no.1 Kapil Parihar were having illicit relations. My attention was invited to the statement of the daughter wherein she has stated that on the day of incident, there was quarrel between the applicant wife and the deceased husband. It is submitted that the applicant was having strong motive to commit the murder of the deceased as the deceased was an obstacle in her illicit relations. Statement of the family members also shows the aforesaid fact. The Call Detail Record of the relevant time shows that applicant and accused Kapil were in constant touch with each other. There were several calls on the previous day as well as on the day of incident and therefore, according to the prosecution this is not a fit case to enlarge the

applicant on bail.

7. I have considered the rival submissions and perused the record as well as CDR. As regards to motive, the prosecution has brought more than sufficient material against the applicant to show the motive of the applicant. So far as the statement of daughter of deceased and the applicant is concerned, she has specifically stated that there was quarrel between her parents on the day of incident. Due to the quarrel between them, the applicant left the matrimonial house. It could be gathered that the deceased was killed by three juveniles to whom contract was given by accused Kapil Parihar through accused no.2 Vinod Uike. CDR shows that the applicant was in constant touch with accused Kapil from 11.04.2025 at about 6:00 hours to 00.00 hours of 12.04.2025. It is evident that on 11.04.2025 there were several calls in the evening right from 18:06, 18:21, 18:33, 19:10, 20:59, 21:12, 21:22, 22:33, 22:41 to 00:00 hours. So also, on 12.04.2025 in morning at 4:31 hours, 6:51, 6:52, 7:46 hours there were calls between applicant and accused no.1. The incident took place on 11.04.2025 after 10:00 p.m. Therefore, there is close proximity between calls of the applicant and accused no.1 Kapil and time of incident. All these factors show that there was strong motive for the applicant to eliminate the deceased as he was an obstacle in her illicit relations with accused Kapil and there was constant quarrel on that pretext. The quarrel between applicant and the deceased, illicit relations between applicant and accused, CDR reports and close proximity of those calls goes against the present

applicant and is sufficient to show motive of the applicant, which connect the applicant with the alleged crime of murder. It also appears that the deceased was brutally murdered by the accused persons in view of conspiracy hatched by the applicant and accused no.1 Kapil. In view of all these factors, I am not inclined to enlarge the applicant on bail. Hence, the application stands rejected.

(M.M. NERLIKAR, J.)

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