



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

CRIMINAL APPLICATION [BA] NO. 237 OF 2026.

Nidhi Prashant Tiwari

-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 C.A. Babrekar, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 17, 2026.

Heard.

2. The Applicant came to be arrested in connection with Crime No.213/2025 registered with Lohara Police Station, District Yavatmal for the offence punishable under Sections 103[i] and 238 of the Bharatiya Nyaya Sanhita, 2023 (BNS). Charge sheet came to be filed and Section 3[5] of the BNS came to be added.

3. The first information report in the matter came to be lodged by Police Official attached to the Police Station

Lohara alleging that on 15.05.2025 an information was received that a half burnt dead body of a male person lying in the jungle area of Chousala was found. The police party on reaching to the spot found one dead body of a male person aged 35-40 lying in a half burnt condition. It was presumed that he was killed between 13.05.2025 to 15.05.2025 by some unidentified person with an intention to destroy the evidence has burnt the body. In view of the above, the first information report came to be registered.

3. The learned Counsel appearing for the applicant submits that merely on the basis of suspicion, the applicant was arrested. The deceased was the husband of the applicant. The allegations are that initially the applicant had administered Dhatura seeds in the form of juice, thereafter, with the help of students, killed the deceased by pressing his neck. His body was taken by the students during the midnight hours between 13.05.2025 and 14.05.2025, to the jungle and on the next day the students tried to burn the said body. There is no evidence to connect the present applicant with the murder. It is submitted that the applicant is

headmaster and the deceased was a teacher. Both were teaching in the same school. They were also taking private tuitions at their home and for that purpose some students used to attend the said tuitions. Only on the basis of suspicion, the applicant came to be arrested, however, in the entire charge sheet there is no sufficient material to connect her with the murder of her deceased husband, as the body was found in the jungle. The learned Counsel has placed reliance on the judgment and order of Hon'ble Supreme Court in the case of **Ramnivash .vrs. The State of Rajasthan and another (Special Leave to Appeal (Cri)No.12816/2023 dated 25.01.2024)**, wherein the Supreme Court has granted bail only on the ground that the accused therein was a female, and therefore, same analogy would be applied in the present case also.

5. On the other hand the learned A.P.P. vehemently opposes the application by submitting that it is a well planned murder by the wife. Not only she has committed murder of her husband, but, has also involved the students, who were coming for tuitions, and with their help the applicant has committed murder of her husband. It is submitted that after

committing murder, the dead body was taken by the students on a two wheeler and it was thrown in the jungle. On the next day, the students were asked to burn the body and accordingly with the help of petrol they tried to burn the body, but, could not fully burn the body. The postmortem report shows cause of death as “evidence of compression of neck with burns”. He further submits that there is more than sufficient material against the applicant, there are statements of the father of the students, who have stated that they have left their wards/students at midnight at the house of the applicant. The students took the body from the house of the applicant on the two wheeler and accordingly the dead body was carried to the jungle, and this was captured in the CCTV footage, and therefore, all the circumstances are pin pointing the role of the present applicant in the commission of murder of her deceased husband.

6. It is brought to my knowledge by the learned A.P.P. that two important statements of the students recorded under Section 183, wherein the students have disclosed that on 13.05.2025 when they were attending tuition, three

students namely Tanay Dudhe, Abhay Borkar and Siddharth Khandkar went to the bedroom along with the applicant and when they returned after half an hour, they were found in a frightened condition and sweating. It is further submitted that statements were recorded of witnesses, from whom the Dhatura seeds and paracetamol tablets were purchased by the applicant, including the statement of Vidhya Choudhary which goes to show that the applicant had purchased dhatura flowers and seeds for the purpose of performing pooja, and therefore, according to the learned A.P.P. there is more than sufficient evidence against the applicant.

7. I have heard the submissions canvassed by the learned Counsel for the parties. It is not in dispute that the applicant is headmaster and deceased was a teacher working in the same school. They both are related as husband and wife. On 13.05.2025, while teaching, the deceased was not feeling well and therefore, he was not able to teach the students properly. At that time the applicant gave him a glass of white juice. After consumption of the said juice, the applicant took the deceased to the bedroom, and at that time juveniles Tanay

Dudhe, Abhay Borkar and Siddharth Khandkar were called in the bedroom by the applicant, and thereafter all four came outside the bed room after half an hour. The said juveniles were in a frightened condition and also sweating. It is further to be noted that in the midnight of 13.05.2025 and 14.05.2025, the students went to the house of the applicant and they took the dead body from the house on the two wheeler to the jungle and disposed the said dead body there. This aspect was captured in CCTV footage. It is not in dispute that the students are taking private tuitions at the house of the deceased and applicant. It is further to be noted that the statement of witness Ghanshyam Khandkar, goes to show that at about 2.15 a.m. he received a call from the applicant and she has asked him to send Siddharth – juvenile to her house immediately, as she wanted to take him on the ground for the purpose of exercise, as one Sir was coming at 5 a.m. in the morning, and accordingly Siddharth went on a scooty and behind him Ghanshyam went on a motorcycle, and after reaching the house of the applicant, Ghanshyam returned back on his motorcycle.

Therefore, considering the above facts and circumstances of the case, one fact is clear that the applicant with the help of students had pressed the neck of the deceased and committed murder in the house. It is further to be noted that before committing murder, the applicant has given dhatura seeds in the form of juice to the deceased, due to which he was feeling giddy, and therefore, was taken to the bedroom, where with the help of students/juveniles, over whom the applicant has control, committed murder of the deceased. It is further to be seen from the entire record that the dead body was taken from the house of the applicant to the jungle. This was captured in the CCTV footage. It is further to be noted that the father of one of the student has specifically stated that he has left his son in the midnight at the house of the applicant. Other students who were attending the tutions at the house of the applicant and the deceased, have also stated that the applicant has asked the deceased to consume the juice and thereafter, the deceased was taken to the bedroom and with the help of three young students, they have compressed the neck of the deceased and committed his murder. The

active role played by the applicant cannot be ignored, on the contrary, she has also implicated juvenile students in the crime along with her, this is the most unfortunate part which surfaces on record. Further it is to be noted that she has not stopped there, but, gone a step further and asked the students to take the body to the jungle and dispose of it and accordingly the juveniles have done so. Reliance was placed by the learned Counsel for the applicant on the order of the Supreme Court in the case of Ramnivas (*supra*). It could be gathered that the role of the accused therein was varying amongst the witnesses. No action with arms was attributed to the said accused, further it appears that the order of the High Court granting bail was under challenge, and the Supreme Court declined to interfere in the order of the High Court. Though High Court granted bail considering the fact that the accused is female, however, in the present case, though the applicant is a female, but, considering the fact that it is a well planned murder, there was active participation in the murder, so also there was attempt to dispose of the body and hide the evidence. In my opinion merely the applicant being a female is not sufficient to

release her on bail. Considering all these factors and the fact that the murder was committed by the applicant in a well planned manner, I am not inclined to grant bail to the applicant. Criminal Application is, therefore, rejected.

JUDGE