



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 166 OF 2024

NANDINI @ LAXMI D/O SANJAY PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Manjusha Pandurang Ware
(Appointed through Legal Aid)
APP for Respondent : Mr. A. S. Shinde
...

CORAM : S. G. MEHARE, J.
DATE : 05-04-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.177 of 2022 registered with Police Station Chikalthana, Taluka and District Aurangabad, for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code.
3. The applicant is the daughter of deceased. The prosecution case is that the applicant has a love affair with co-accused. The applicant was grievance against her family. Therefore, she instigated other co-accused and murdered her mother. Initially, there was no direct evidence. However, during the course of investigation, it was transpired that, the applicant who had instigated to commit the murder of her mother.

4. Learned counsel for the applicant submits that the applicant was 17 years old at the time of alleged incident. She was arraigned as an accused only on suspicion. There is no direct evidence against her. The police implicated her in a false crime. Co-accused has been granted bail. Therefore, she deserves parity. Apart from the parity, she deserves bail for the reason that the evidence collected against her is not sufficient to link her with the alleged incident. She is languishing in jail for a long period.

5. Learned A.P.P. has strongly opposed the application. He submits that the strong evidence has been collected against her to establish that she was the main culprit. He also submits that the evidence is available on record that she had threatened to kill all family members. She was interested to marry with co-accused. Her acts are against human morality. He has referred to the evidence. He also argued that her role is not at par with co-accused who have been granted bail. The offence is serious. If she is granted bail, there may be a loss of more lives from her family.

6. Perused the documents. This Court deliberately did not refer to the evidence which the prosecution has referred, to avoid the effects during the course of trial. However, the evidence document is sufficient to believe that the applicant was the main culprit and bent upon to finish her family. Her deep desire to get married was the motive behind the crime. She killed her mother

with co-accused so brutally, that too, for a small reason that she anyhow wanted to marry co-accused. She had expressed her intention to eliminate the entire family.

7. Considering the allegations levelled against the applicant, it can be inferred that her family members would not take her into the family. So, there may be a danger to her life. This Court is also conscious that this may not be a ground to refuse the bail. However, the material collected against the applicant is prima facie strong. Her role is not like other co-accused who has been granted bail. Considering her intention she had expressed, there may be a danger to the other family members. It may not be appropriate to release her on bail, though she was minor at the time of the incident.

8. For the above reasons, the application stands dismissed.

9. The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.2/victim as per the schedule.

10. Needless to state that the above observations are restricted to the bail purpose. The learned trial Court should not influence by the aforesaid findings.

(S. G. MEHARE)
JUDGE