



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

34 BAIL APPLICATION NO. 227 OF 2025

NEHA W/O VAIBHAV NIKAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. Harsha Lomte (Appointed).

APP for Respondent/State : Mr. V. M. Jaware.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 25th August, 2025.

P.C.:

1 Heard both the sides.

2 This is an application for grant of regular bail in connection with Crime No.0006 of 2024, registered with Renapur Police Station, District Latur, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, 1860.

3 The informant is the brother of deceased Vaibhav Nikam, who was the husband of this applicant. The informant averred in the report that there was illicit relationship between the applicant and co-accused Sharad Adagale. On 6th January, 2024 at about 10:30 a.m., his brother Eshwar made phone call to him and informed that the dead body of Vaibhav is found near the agricultural land of one Pawar. The

informant immediately went to the said place and saw the dead body of his brother Vaibhav lying there, having injuries on his face and head. He and his brother went to the applicant i.e. wife of the deceased, doubting that she might have committed the murder of Vaibhav because of the illicit relationship with co-accused Sharad. She confessed before him that his husband Vaibhav had seen her and co-accused Sharad in compromising position. Her husband started quarrel with them. At that time, co-accused Sharad assaulted on the head of Vaibhav by the stick and thereafter, Vaibhav was throttled by a rope. Thereafter, Vaibhav was kept in a quilt and that quilt having blood stains was burnt backside of the house. The stick is seized at the instance of co-accused and the report was lodged.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. There is no direct evidence against the applicant. Co-accused Sharad is released on bail by this Court. The charge is framed and one witness is also examined, however, the trial will take long period. The applicant is a woman. She has roots in the society and she will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious

crime of murder of her husband on account of her illicit relationship with co-accused. He pointed out the statements of witnesses and seizing of the rope, stick and half burnt pieces of the quilt. He also pointed out the postmortem report. It is submitted that the trial will not take long period. Co-accused Sharad is released on bail as he was juvenile. Considering the nature of the crime, it is lastly prayed to reject the application.

6 Perused the application and the charge-sheet, particularly, the report and the statements of witnesses.

7 No doubt the report is registered on the confessional information given by this applicant to the informant on the inquiry. There are call details showing making of the phone calls between the applicant and co-accused Sharad. The rope used for throttling the husband of the applicant is seized at her instance. The incident took place in her house. It is a serious case, in which the murder of her husband is committed on account of illicit relationship between the applicant and co-accused Sharad. The evidence of quilt having blood stains was destroyed by burning it backside of the house. Co-accused Sharad is released on bail as he was juvenile. Parity cannot be made applicable to this applicant. Trial is also started. Considering the serious nature of the crime, though the applicant is a woman, a case is

not made out for granting bail to this applicant, as per the principle that bail is rule and jail is exception. However, trial can be expedited. Hence, the following order:-

ORDER

- I. The bail application is rejected.
- II. The Trial Court is directed to decide the case within six months. However, it is clarified that if any matter is expedited either by the Honourable Supreme Court or this Court, then the Trial Court shall conclude that case first and then give priority to this case. Needless to mention that it is a sessions trial and word “sessions” means once it is started it shall not be stopped till it is concluded.
- III. For that purpose, the Trial Court is expected to keep the date twice in a week and conclude the trial accordingly.
- IV. The Trial Court is further directed not to grant adjournments if it is prayed on behalf of either the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused, under trial prisoners continuously. If it is not followed then the Trial Court may proceed

against these authorities for not following the order of the legal authority of public servant as per the (applicable) provisions of Chapter X of the Indian Penal Code. If the advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

- V. The fees of Mrs. Harsha Lomte, learned appointed counsel for the applicant be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SANJAY A. DESHMUKH, J.]

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