



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 335 OF 2025

Mira W/o Ambadas Mhaske

Age : 36 Years, Occupation : Household,

R/o : Ramabai Nagar,

Near Motibag Nagar, Old Jalna,

District Jalna.

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. S. G. Ladda, Advocate for the Applicant.

Mr. P. K. Lakhotiya, APP for Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 23.04.2025

ORDER :

1. Applicant seeks her enlargement on regular bail on account of her arrest in crime no. 0772 of 2024 registered at Newasa Police Station, District Ahmednagar (Ahilyanagar) for offences punishable under Sections 103(1), 238, 61(2) r/w 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel pointed out that present applicant, who is a lady, is arrested in above crime on 30.08.2024. He pointed out that FIR is against unknown person. That, subsequently, theory has been developed that there were illicit relations between present applicant and co-accused. In fact, they had no such relations and were like

brother and sister to each other. Informant's deceased husband was found dead at 09.00 a.m. on 16.08.2024. According to learned counsel, applicant was not in the company of deceased since 14.08.2024 to 16.08.2024. Deceased allegedly died due to strangulation and throat cut injury. Knife is recovered at the instance of non-applicant Lahu. Learned counsel took this Court through the statements of brother and father of deceased and would submit that their statements clearly show that present applicant had left with the children for pilgrimage on 14.08.2024. He pointed out that there are statements of children, but the same are recorded on 17.11.2024, i.e. almost after three months. There is no direct evidence. Case is based on circumstantial evidence. Applicant, a mother, is behind bars since August 2024. Charge sheet is filed in November 2024. Though case is committed, charge is not yet framed and according to learned counsel, when course of trial is uncertain, he urges for grant of bail.

3. Learned APP strongly opposed on the ground that serious offence of murder is committed and detected. That, present applicant and other accused had live-in relationship. There are several statements showing both of them together with deceased immediately in proximity to the occurrence i.e. on 15.04.2024. Learned APP pointed out that there are statements of independent witnesses like

hotel staff/waiter from where water bottles were purchased. That, the water bottles allegedly purchase by the present applicant were seized from the crime scene and its manufacturing batch matches with the batch of bottles sold by the hotel. Learned APP pointed out that investigation revealed that on 15.04.2024 and 16.04.2024, both, present applicant as well as co-accused Lahu, were barely 30 kms. away from the scene of occurrence. There are statements of witnesses whose rooms were occupied by present applicant and accused, posing themselves to be husband and wife. Thus, according to learned APP, though case is based on circumstantial evidence, there are strong and incriminating circumstances.

4. To counter the long pre trial incarceration, learned APP seeks reliance on the order of this Court dated 24.10.2024 passed in Bail Application No. 1707 of 2024 [***Bal @ Balasaheb Jagannath Bothe v. The State of Maharashtra***] wherein, by referring the rulings of Hon'ble Apex Court, apart from long pre trial incarceration, gravity and seriousness of the crime and threat to society are also considered. The same are pressed into service by learned APP.

5. Heard. Perused the papers. FIR dated 16.08.2024 is at the instance of Sanjay Laxman Wakchoure, who is Police Patil. He claims to have received information about dead body of a male person

between the age group of 30 to 35 lying in the vicinity of agricultural field Gat No. 207 owned by Kachru Kashinath Padol. On above report, crime has been registered against unknown person for committing murder for unknown reason by unknown weapon.

6. Investigation revealed that present applicant, who was married to deceased, and had two children, got acquainted with co-accused Lahu and it is further case of prosecution that both accused committed murder and applicant's husband by strangulating as well as by sleeting throat. Dead body was allegedly noticed on 16.08.2024. Learned APP has also conceded that there is no eye witness and case is based on circumstantial evidence. However, he is very assertive that there are statements of independent witnesses like manager/waiter of the hotel where water bottles were allegedly purchased, statements of persons whose rooms were allegedly used by present applicant and accused Lahu for staying. Learned APP is also very assertive that there is evidence suggesting that both, present applicant as well as co-accused Lahu, were 30 kms. away on 15.08.2024 and 16.08.2024 i.e. in proximity to the death of Ambadas. Learned counsel for the applicant has invited attention of this Court to the statements of very brother and father of deceased Ambadas. They both speak that present applicant, who was married to deceased Ambadas, was

residing in their neighbourhood, but they were not on talking terms with present applicant, who used to quarrel and trouble them as well as Ambadas. They stated that on 14.08.2024, present applicant was seen going in a vehicle along with children for some pilgrimage, however Ambadas had stayed back in the house and he was in the house itself. In the night of 15.08.2024, his house was noticed to be locked and thereafter, he was searched up to 16.08.2024, but was not found. After few days, present applicant and Lahu had come to shift the belongings from the house and they were found to be in terrified condition and were not talking to anyone. Finally, on 29.08.2024, news of death of Ambadas was received. Both, brother and father, reported that they learnt from Newasa Police that applicant and Lahu had committed murder. Therefore, close relatives like brother and father have allegedly received information from police.

7. Learned APP has also relied on the statements of witnesses like manager and waiter of the hotel, from where water bottles were allegedly seized and also statements of some persons whose rooms were alleged occupied. He also pointed out that recovery of knife is at the instance of co-accused Lahu.

8. Now, charge sheet is filed. Applicant is a lady having two children. Case is based on circumstantial evidence. Indeed offence is

of murder, but in the light of above peculiar facts and circumstances, as no purpose would be served by further detention of the applicant, this Court is inclined to grant bail. Hence, the following order :

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No. 0772 of 2024 registered at Newasa Police Station, District Ahmednagar (Ahilyanagar), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday till commencement of trial and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]