



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 485 OF 2025

Nirmala Ashok Gaikwad,
Age : 35 years, Occupation Labour,
R/o. Peth Bhimnagar Bhausingpura,
Cantonment (Chawani) Dist. Aurangabad.

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra,
Through Police Station Officer,
Cantonment (Chawani) Police Station,
Taluka and District Aurangabad.

... Respondent

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Mr. Kiran P. Rathod, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09.04.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 364 of 2024 registered at Cantonment (Chhavani) Police Station, District Aurangabad City for offences punishable under Sections 103(1), 115(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS).
2. It is submitted that applicant is arrested in above crime on 18.07.2024. Applicant is shown as co-accused. That, report by brother of deceased is on hearsay information and there is no eye witness. There are no allegations, nor any overt act is attributed to present

applicant, who is a woman. Resultantly, nothing is to be recovered or discovered from her. That, investigation is over and charge sheet is filed in October 2024 itself. According to learned counsel, when no further recovery or discovery is to be made, no purpose would be achieved by applicant's further detention. As matter is not committed nor charge is framed, even course of trial is uncertain. For above reasons, bail is urged for.

3. Learned APP opposed on the ground that serious offence of murder is committed. Applicant is named by the informant. Deceased died due to multiple injuries. Allegations of assault by stone are against Kailash. By invoking Section 34 of IPC, applicant is booked and arrested. He apprehends misuse of liberty.

4. Heard. Perused the FIR dated 18.07.2024 at the instance of Kaduba Sadafule. He reported that his brother Dagdu resides in his neighbourhood, but on account of differences with his wife and children, they reside separately. He further reported that on 17.07.2024, when he returned from work, police of Chhavani police station approached him at 01.00 a.m. and police were accompanied by Amol Bachke and Guddu Dabhade. Informant claims that he learnt from Amol Bachke that in the backyard of house of one Raju Thorat,

brother of present applicant, namely, Balu Nikale, Kailash Devare and Dagdu Sadaphule had quarreled and that time, present applicant and Kailash beat Dagdu.

5. Statement of said Amol is recorded, but it is on 08.08.2024 and not immediately on 18.07.2024 or within a day or two thereafter. He, in his statement has stated that, when he and his friend Satish @ Guddu were near a shop at 12.00 midnight, present applicant approached informing that her brother had suffered injuries and to inform police, and she took these two persons to the spot. This witness Amol further reported that, when they all went to a room, Dagdu was found lying in pool of blood and Kailash to be already present there. While this witness questioned present applicant regarding the occurrence, by that time police allegedly arrived, and then present applicant and Kailash both fled.

6. Learned APP has submitted that investigation revealed that allegation of hitting by stone are against Kailash and not present applicant. Moreover, she is a lady. She is behind bars since almost 9 months. No recovery or discovery is to be made at her instance. Therefore, no purpose would be served by further detention. Course of trial is also uncertain. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 364 of 2024 registered at Cantonment (Chhavani) Police Station, District Aurangabad City, 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.
- III. Parties to act on an authenticated copy of this order.

[ABHAY S. WAGHWASE, J.]

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