



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

21 BAIL APPLICATION NO. 708 OF 2025

1. Kondabai Pandurang Rajemod.
2. Drupatbai w/o Ganpat Nilamwad. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...
Advocate for Applicants : Ms. Kalpana S. Kulkarni (Sonpawale), Through
Legal Aid.

APP for Respondent / State : Mr. P. P. Dawalkar.

...

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

DATE : 06th October, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.195 of 2022, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 302 and 201 read with 34 of Indian Penal Code, 1860.

3 The learned counsel for the applicants pointed out the report in which it is averred that applicant No.1 is the mother of applicant No.2. The informant is the father-in-law of applicant No.2.

Before four years of the incident, applicant No.2 married with Ganpat (son of the informant). Applicant No.2 begotten a son Datta and a daughter Anusaya. Applicant No.2 is suffering from mental illness.

4 It is further averred by the informant that on 31st May, 2022, Ganpat came to the informant and told him that applicant No.2 left the house alongwith both the children. They took search of applicant No.2 and her children. On 1st June, 2022, Ganpat saw that applicant No.2 had gone to the sugarcane field with the child Datta. Ganpat followed her but could not find her. The informant, Ganpat and others then proceeded to the houses of the relatives of applicant No.2. All of them took search for applicant No.2. After some time, both the applicants came out from a sugarcane field. When Ganpat questioned them as to where are the children, at that time, applicant No.2 said that she had not taken the children with her. When her relatives convinced her, she said that her son Datta was lying on the boundary of sugarcane crop. Applicant No.2 told that she had put mud into the mouth and nose of Datta and had killed him. They again inquired with applicant No.2 as to where is the granddaughter of the informant. Applicant No.2 told them that she had also killed the girl child. Thereafter, applicant No.2 shown that place. It was a bridge at Pandhurna–Muddakhed road. Applicant No.2 pointed out that her daughter Anusaya was buried. The informant and the others dug out

the buried body of Anusaya. Thereafter, the informant and his son Ganpat alongwith others performed the last rituals of the children. Therefore, the report was lodged.

5 The learned counsel for the applicants submitted that applicant No.1 is 80 years old. She has roots in the society. Applicant No.2 is suffering from mental illness and due to the said illness she committed the murder of her children. It is submitted that both the applicants are women and they have no criminal antecedents. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are booked for serious crime. If applicant No.2 is released on bail, she may again commit similar nature of crime because of her mental illness. It is submitted that if applicant No.2 is released on bail, it will be very difficult for the family members to manage her and also to provide medical treatment to her. It is lastly prayed to reject the application.

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

8 The report of medical examination of applicant No.2 was called by this Court from Psychiatric. Said report is received. As per

the said report, applicant No.2 has symptoms of persistent sadness of mood, loss of interest, easy irritability, feelings of guilt and unworthiness, disturbances in sleep and appetite, expression of death wishes. As per the clinical judgment, it can be inferred that applicant No.2 is suffering from a mental illness (Severe Depression) and she currently has active symptoms of severe depression and requires long term inpatient management.

9 On perusal of the charge-sheet, particularly, the report and the report of the doctor, if applicant No.2 is released on bail, the possibility of commission of same nature of crime on her part cannot be ruled out, as she is suffering from mental illness. Therefore, it would be proper to reject her application for bail.

10 As far as applicant No.1 is concerned, considering her age that she is 80 years old lady, she has roots in the society, she will not flee away from the trial, trial will take a long period and she has no criminal antecedents, her application deserves to be allowed, on certain conditions. Hence, the following order:-

ORDER

- I. The bail application is partly allowed.
- II. The bail application of applicant No.2 is rejected.

- III. Applicant No.1 in connection with Crime No.195 of 2022, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 302 and 201 read with 34 of Indian Penal Code, be released on bail on furnishing personal bond of Rs.15,000/- with surety of the like amount on following conditions:-
- a) Applicant No.1 shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- IV. The concerned jail authority is directed to provide continuous medical treatment to applicant No.2 till her recovery.
- V. The learned Registrar (Judicial) of this Court is directed to send a copy of this order to the Trial Court as well as to the concerned jail authority for necessary action.
- VI. Concerned to act upon an authenticated copy of this order.

[SANJAY A. DESHMUKH, J.]

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