



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

BAIL APPLICATION NO.1394 OF 2025

Madhuri D/o Vivek @ Chavlya Pimple
Versus
The State of Maharashtra

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Mr. S. G. Bobade and Mr. D. A. Paikrao, Advocates for the applicant
Mr. N. B. Patil, APP for the respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 08.10.2025

PER COURT :-

1. Heard.
2. This is an application for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.530 of 2024, registered at Gangapur Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 103, 238, 61(2)(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The learned advocate for the applicant pointed out the report in which the informant averred that her son, Amol Ughade, was 17 years old, studying in the 11th standard, and also worked on a daily-wage basis at Suresh Steel Company. He occasionally accompanied the co-accused, Mahesh Mate, as a tractor driver for transporting sand and other materials. On 31.10.2024, at about 10:00 p.m., Mahesh visited the informant's house and took her son, Amol, stating that they needed to go

on the tractor for sand transportation. Accordingly, Amol accompanied Mahesh but did not return home till 02.11.2024. The informant attempted to contact him on his mobile phone, but it was switched off. Consequently, she lodged a missing report with the police. Subsequently, the Gangapur Police Station contacted the informant's husband, informing him that a dead body of a boy had been found in agricultural land in Sarangpur. Accordingly, the husband went there and identified the boy as his son, Amol. At that time, the informant also visited there, where she saw a woman and a boy present there. They came to know that the woman was Mahesh's mother and the man was Mahesh's brother. On inquiring about Mahesh, they were informed that he had also not returned for 2–3 days. The informant identified the dead body as that of her son, Amol, however, the clothes, wallet, sandals, ring, and belt found on the deceased did not belong to him. Mahesh's mother identified the sandals, dress, ring, and belt as belonging to Mahesh. Accordingly, a report was lodged against Mahesh, alleging that he had committed the murder of the innocent Amol and attempted to mislead authorities by making it appear that he himself had died.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. There is no evidence against her, and the case is based on circumstantial evidence. The charge sheet has been filed. The applicant has roots in society and she will not flee away from the

trial. Considering that the trial will take a long period, it is lastly prayed to grant bail to the applicant.

5. The learned APP for the State strongly opposed the application and submitted that the applicant, a married woman, had left her husband and was having a love affair with Mahesh. This was allegedly done to show that Mahesh was no more. The APP further submitted that the applicant and Mahesh conspired together to kill Amol and make it appear that Mahesh had died, thereby committing murder in furtherance of their common intention. The learned APP also pointed out that a missing report was lodged regarding Amol. Call details show that communication between the applicant and co-accused Mahesh. The SIM card of Amol was seized at the instance of the applicant. Therefore, though the applicant was not captured on CCTV footage, there is ample evidence against her. Merely because she is a woman, she cannot be released on bail. If the applicant is released on bail, she will certainly pressurize the prosecution witnesses, tamper with evidence, and there is possibility that she will flee away from the trial. Considering the serious nature of the crime, it is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report and statements of witnesses. The applicant is a lady. The case is based on circumstantial evidence. At this stage, without adverting to the merits of the case,

considering peculiar set of facts of the case and on the principle that bail is rule and jail is exception, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.530 of 2024, registered at Gangapur Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 103, 238, 61(2)(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

[SANJAY A. DESHMUKH, J.]

HRJadhav