



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

BAIL APPLICATION NO.2146 OF 2024

Padmin W/o. Sunil Mudde

Age: 50 years, Occu.: Household

R/o. Baba Nagar, Khadgaon Road,

Latur, District Latur

... Applicant

Versus

1. The State of Maharashtra
Through Superintendent of Police
District Latur

2. The Police Inspector,
Shivaji Nagar Police Station,
Dist. Latur.

... Respondents

.....

Mr. Yogesh G. Birajdar, Advocate for Applicant

Ms. Vaishali S. Choudhari, APP for Respondents No.1 and 2 – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 JANUARY 2025

PRONOUNCED ON : 30 JANUARY 2025

ORDER :

1. By way of instant application, applicant seeks her enlargement on regular bail on account of her arrest in Crime No.423 of 2024 registered at Shivaji Nagar Station, District Latur, for offences punishable under Sections 103 (1), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 4, 25 of the Arms Act, 1959.

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 18.10.2024. That, there are allegations against her about being involved in assault and murder. Learned counsel

pointed out that, present applicant was not present when the incident took place, and none of the witnesses have marked the presence of the applicant at the time of incident. He further pointed out that the present applicant happens to be the mother of both the assailants, and therefore, it is alleged that fifteen days prior to the incident in question, there was an occurrence in which the applicant allegedly threatened to withdraw the case or to face consequences. That, except such material, there is no incriminating material against her in the alleged incident in question. That, she is behind the bars since October 2024. Moreover, she is a lady and therefore, learned counsel pointed out that, when nothing is shown to be yet recovered or discovered at the instance of applicant, then no purpose would be served by continuing detention of the lady. For above reasons, learned counsel prays for relief of regular bail.

3. While opposing the application, learned APP pointed out that, the applicant is arrested because she was party to the conspiracy that was hatched to commit an offence. That, she is related to co-accused. Learned APP pointed out that there are statements of the witnesses namely Mangalbai as well as Asha, and these independent witnesses have given statement about present applicant giving threats with dire consequences, if complaint is not withdrawn. Learned APP pointed out that, though present applicant was not present at the time of the incident, but her involvement is revealed during the investigation, and therefore, offence

being serious, bail so sought is opposed.

4. Heard both the sides. Perused the papers. FIR seems to be at the instance of one Vimal Tryambak Devkar against Krusha Sunil Mudde, Ajay Sunil Mudde and present applicant. On going through the FIR dated 17.10.2024, it seems to be reported by informant Vimal Devkar that, she lives with her family, and her deceased son Shivaji was driving a private vehicle, and he left the house on 17.10.2024 at 8:00 a.m., to go to the Dayanand Gate. Informant claims that around 09:00 a.m., her niece Jayashree telephone her and told that Krushna Sunil Mudde and Ajay Sunil Mudde had assaulted her son Shivaji near Dayanand Gate. In the report itself, the informant claims to have questioned her niece Jayashree about how she learnt about the incident. Jayashree then reported that Krushna Mudde and Ajay Mudde had come to her house and informed her about killing Shivaji, after which they fled. Thereafter, she also claims to have visited the said spot and met her husband, Tryambak. He also told her about seeing Shivaji Mudde and Ajay Mudde assaulting Shivaji. Therefore, on above report crime seems to have been registered at 15: 39 hours. As pointed out, name of present applicant is not appearing in the FIR. Prosecution claims that there are statements of witnesses namely Mangabai and Asha Panchal, and these witnesses have stated that the present applicant had issued threats in their presence to withdraw the case filed by Asha or to face dire consequences. Apparently,

on visiting statement of these two ladies, it is emerging that their statements are recorded by police on 23.10.2024 and 25.11.2024 respectively, about occurrence dated 17.10.2024. Even taking the above statements into consideration, these witnesses particularly speak about alleged threats given by present applicant on 02.10.2024 and 03.10.2024, and not in proximity to the incident in question. Though, learned APP submitted that present applicant was party to the conspiracy, learned APP could not point out from the charge-sheet any distinct material supporting her such version. Applicant is a lady and as stated above, her presence is not noted at the time of the assault. Taking the same into consideration, and no overt act is attributed to the applicant and as nothing is recovered or discovered at her instance, no fruitful purpose would be served by continuing the detention of the applicant. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Padmin W/o. Sunil Mudde be released on bail in connection with Crime No.423 of 2024 registered at Shivaji Nagar Station, District Latur on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)