

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1091 OF 2025

Shubhangi Laxmikant Powar ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi a/w Mr. Shivani Kondekar for the
Applicant.

Mr. T. G. Khan, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 22nd JULY, 2025

P.C.:

1. Heard Mr. Satyavrat Joshi learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the State.
2. Applicant by the present application, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.187 of 2024 registered with Laxmipuri Police Station, Kolhapur for the offences punishable under Sections 302, 120B, 108, 109, 34 of the Indian Penal Code 1860. Said crime is registered as Sessions Case No.178 of 2024 pending on the file of the Additional Sessions Judge, Kolhapur.
3. There are 7 Accused in the crime. Applicant is Accused No.1.
4. Case of the prosecution is that Vaishnavi Laxmikant Powar (deceased) was assaulted by the Accused persons in the said crime, by use of stick, iron rod and rope. Vaishnavi succumbed to the injuries.

5. Applicant was arrested on 04.04.2024, since then she is in jail. Bail Application No.687 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Kolhapur on 01.08.2024.

6. Mr. Satyavrat Joshi, learned Advocate for the Applicant submits that the Accused No.4 was released on bail by order dated 01.08.2024, passed in Criminal Bail Application No.750 of 2024 (page No.532 to 539 of the paper book). Accused No.5 was granted bail by this Court on 10.07.2024 in Anticipatory Bail Application No.1741 of 2024, he tenders the copy of the said order which is taken on record and marked as "X-1" for identification. He submits that Accused No.4 was released on bail by this Court on 01.07.2025 passed in Bail Application No.4566 of 2024, he tenders a copy of the said order which is taken on record and marked as "X-2" for identification. He submits that the Accused No.5 (head of a religious Math) is alleged to have a motive to kill Vaishnavi, to save the reputation and name of his Math, which was spoilt due to Vaishanavi's relationship with Vaibhav, whereas the motive alleged against the Applicant is of she not being satisfied with the live-in relationship and physical relationship Vaishanavi had with Vaibhav. He therefore submits that the Applicant's alleged involvement in the crime is similar to that of Accused No.5. He therefore submits that the Applicant would be entitled to bail on the ground of parity. He submits that the Applicant does not have any criminal antecedents.

7. Mr. T. G. Khan, learned APP for the State, submits that the witnesses in the crime have made a reference to the Applicant herein, which shows the participation and involvement of the

Applicant in the said crime. He submits that the presence of the Applicant in the vicinity during the commission of the offence, is indicated from the CDR reports.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Vaishnavi was employed by the Accused No.5 in his Math. Statement of witnesses, indicate that the Accused No.5 is alleged to have motive to cause death of Vaishnavi, as he was not happy with the live-in relationship of Vaishnavi with Vaibhav Shelke, as the Accused No.5 was concerned about the image of his Math. Mr. S. Joshi has submitted that the Applicant i.e. mother of Vaishnavi is alleged to have the motive to cause her death, as Applicant was not happy with the live-in relationship and physical relationship, Vaishnavi had developed with Vaibhav Shelke.

10. Accused Nos. 4, 5, and 7 in the said crime have been released on bail. Accused No.5 is released on pre-arrest bail. Statement of Dr. Savita Patil who had attended the call to give medical aid to Vaishnavi after the alleged incident, in her statement has made reference to Vaishnavi resting on the lap of the Applicant, while Vaishnavi was alive. Considering the nature of allegations against the Applicant, the facts and circumstances of the present case, Applicant being a woman in jail for more than a year, Applicant can be given benefit of the proviso to Section 480 (1)(ii) of BNSS. Continuation of the Applicant's incarceration pending the trial is not warranted.

11. In view of the above, the present Bail Application is allowed,

on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.187 of 2024 registered with Laxmipuri Police Station, Kolhapur on her furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Kolhapur.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge Kolhapur in Sessions Case No.178 of 2024 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing the facts to the Court or any police officer and shall not tamper with evidence.
- d) Applicant upon her release, within 3 days shall furnish to the Investigation Officer, Laxmipuri Police Station, Kolhapur her residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

12. The Bail Application No.1091 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)