

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

CRIMINAL BAIL APPLICATION NO. 2991 OF 2025

Sunita Anil Zendfale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

PSI Mr. S. E. Netavate attached to Dindori Police Station, District-Nashik Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 31st JULY 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 196 of 2022 registered with Dindori Police Station, District-Nashik Rural for the offences punishable under Sections 302, 201, 120(B) read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 454 of 2022 and is pending before the Court of the Additional Sessions Judge-2, Nashik.

4. There are 2 accused persons in the present crime. Applicant is Accused No. 2, whereas Dipak Dattu Gave is Accused No. 1.

5. Case of the prosecution is that the Applicant (wife of the deceased), was having illicit relationship with Accused No. 1. Deceased was harassing the Applicant under the influence of liquor and was objecting to the love relationship between the Applicant and Accused No. 1. In view of the same, Applicant engaged Accused No. 1 to commit murder of deceased. Accused No. 1 took deceased with him to a secluded place and hacked him into death. Extra marital relationship, between Applicant and Accused No. 1 was the motive for murder.

6. Applicant was arrested on 5th June 2022, since then she is in jail.

7. First Bail Application bearing No. 735 of 2022 was rejected by the learned Additional Sessions Judge, Nashik by order dated 23rd June 2022. Criminal Bail Application No. 308 of 2023 filed by the Applicant before this Court was rejected on merits by order dated 30th June 2023. Paragraph nos. 7 and 8 of the said order read as follows :-

“7. On perusal of the charge-sheet and after hearing both sides, it appears prima facie that Call Detail Records (CDR) between the applicant and accused No.1 are long. The alleged date of incident is 3 June 2022. CDR of one month prior to the alleged incident forms part of record. On prima facie perusal of the record, it appears that on the date of alleged incident, there are three calls between the applicant and accused No. 1 of 327, 192 and 92 seconds. A day prior to it, the length of calls are around 288, 178, 406, 123 and 94

seconds. Even prior thereto, there are call details in the record. The statement of witnesses supports the theory of prosecution that there was illicit relationship between the applicant and accused No.1. The accused No.1 had threatened the deceased to kill him. Because of this relationship, there used to be quarrels between the deceased and accused No.2.

8. At this stage, the evidence on record prima facie indicates involvement of the applicant in commission of crime. There is no merit in the bail application.”

8. Applicant filed second Bail Application at Exhibit-11 in Sessions Case No. 454 of 2022. Learned Additional Sessions Judge-2, Nashik has rejected the said Bail Application by order dated 19th April 2025. Paragraph nos. 7 to 9 of the said order read as follows :-

“7. On going through the material on record indicates that earlier bail application was turn down by the Predecessor-in-office. Thereafter, applicant approached before Hon'ble Bombay High Court by way of Bail Application No. 308 of 2023. The Hon'ble Bombay High Court vide order dated 30.06.2023 has rejected the bail application of the applicant on the count that the CDR record shows active conversation between the applicant and A-1 prior to the incident and after the incident. The witness statements shows that the deceased was do away by A-1 with the help of applicant who was stumbling block into their unholy relationship. Considering the prima-facie material the Hon'ble Bombay High Court has rejected the bail application of the applicant.

8. In view of aforesaid profile and prima-facie material against the applicant, she is not entitled for bail. Merely, she is a woman, that cannot be a ground to release her on bail and that would be a misplaced sympathy. The citation relied are the guidelines while considering the bail plea.

9. Considering the serious nature of the crime and prima-facie involvement of the applicant in the alleged incident dissuaded this Court to enlarge the applicant on bail.

Hence, the following order :-

ORDER

Application is rejected.”

9. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the only material on record against the Applicant is the Call Details Record (CDR) and there is no material to implicate the Applicant in the conspiracy. He submits that the CDR is not sufficient to connect the Applicant to the crime. He submits that the Applicant is in jail for last 3 years.

10. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the Applicant has committed grave and heinous crime. He relies on the order dated 30th June 2023 passed by this Court in Criminal Bail Application No. 308 of 2023 to submit that the case of Applicant being dismissed on merits, the second Bail Application without any change in circumstances, would not be tenable. He submits that the Trial Court has considered the same and rejected the second Bail Application filed by the Applicant. He submits that the charge is already framed and the trial will commence shortly. He therefore submits that the Criminal Bail Application No. 308 of 2023 filed by the Applicant being rejected by this Court by order dated 30th June 2023 on merits, the Applicant cannot be granted benefit on the ground of long incarceration, more so when the crime is serious in nature.

11. I have perused the records with the assistance of learned Advocates of the parties.

12. This Court by its order dated 30th June 2023, after considering the material on record and hearing the parties, has rejected Criminal Bail Application No. 308 of 2023 filed by the Applicant on merits. On a query to Mr. Kuldeep Nikam, learned Advocate for the Applicant as to ‘whether there are any change in circumstances from 30th June 2023 till date ?’, Mr. Kuldeep Nikam answered in negative. However, he submits that the only change in circumstances, is the lapse of almost 3 years from 30th June 2023. He submits that the order dated 30th June 2023 was not assailed before the Hon’ble Supreme Court. He however does not dispute that on 18th November 2024, charge in the said crime has been framed.

13. Perusal of the second Bail Application filed by the Applicant and the submissions advanced by Mr. Kuldeep Nikam before this Court, give an impression that the Applicant intents to re-agitate the issue/arguments, which upon being raised, were considered and negated by this Court in its order dated 30th June 2023 passed in Criminal Bail Application No. 308 of 2025.

14. In the absence of any change in circumstances and considering the observations made by this Court in its order dated 30th June 2023 passed in Criminal Bail Application No. 308 of 2023, I am not inclined to entertain the present Bail Application. Thus, while the prayer for bail is being rejected in the light of the gravity of offence and for the reasons stated hereinabove, the prosecution is expected to take all necessary steps to ensure the expeditious completion of trial.

15. Criminal Bail Application No. 2991 of 2025 stands dismissed.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.08.05
19:36:13 +0530