

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

**Bail Application No. 3179 of 2025**

Pratibha Yogesh Saindane

Age 23 years, Occ. Housewife,

R/at. Ram Mandir Kumbhar

Galli Post, Visarwadi Taluka

Navapur District, Nandurbar,

Maharashtra – 425 426.

... Applicant

Versus

1. The State of Maharashtra

2. Senior Police Inspector

Wakad Police Station

... Respondents

----

Mr Chaitanya M Bagul a/w Mr Himanshu Mane a/w Ms  
Shraddha Jadhav i/b Rishikesh Sharma, for the applicant.

Mr Swapnil Walve, APP, for respondent Nos.1 & 2/ State.

API Nilesh Nalawade, Kalewadi Police Station, Pimpri  
Chinchwad City.

----

**Coram: R.N. Laddha, J.**

**Date: 18 December 2025**

**P.C.:**

By this application, the applicant seeks bail in connection  
with CR No.1161 of 2024, registered at Wakad Police Station,  
Pimpri-Chinchwad, Pune, for the offences punishable under  
Sections 302 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 21 November

2023, a dispute arose between the applicant and the deceased, who was the applicant's mother-in-law, in relation to the place where the applicant intended to deliver her child. It is alleged that the applicant delivered a child on 22 November 2023. Subsequent thereto, on 23 November 2023, the applicant's mother came to reside at the matrimonial home of the applicant, purportedly for the purpose of attending to the applicant and her newborn child.

3. The prosecution further alleges that on 30 November 2023, at about 4:30 p.m., the applicant, in furtherance of a common intention and in connivance with her mother, assaulted the deceased by inflicting blows on her head and thereafter strangled her, as a result of which the deceased succumbed to the injuries sustained and died.

4. Mr Chaitanya Bagul, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the present crime. It is contended that, at the inception, the authorities had registered the matter as a case of accidental death, pursuant to which the dead body of the deceased was forwarded for post-mortem examination. Upon receipt of the initial post-mortem report, the medical officer reserved the

opinion regarding the cause of death, subject to the outcome of the chemical analysis report.

5. The learned Counsel further submits that the final opinion as to the cause of death was communicated to the concerned Police Station only on 5 October 2024, wherein it was opined that the death of the deceased may have been caused due to constriction around the neck. It is only subsequent to the receipt of this final post-mortem report that an additional statement by the informant was recorded, for the first time naming the applicant as an accused in the present crime. The learned Counsel submits that the arrest of the applicant has been effected solely on the basis of this belated supplementary statement of the informant, without there being any independent corroborative material.

6. It is further urged that the supplementary statement imputing the involvement of the applicant has been recorded after an unexplained and inordinate delay of nearly ten months from the date of the alleged incident, and only after the receipt of the final post-mortem report. Such an unexplained delay, it is contended, strikes at the very root of the credibility and reliability of the prosecution's version and renders the allegations against the applicant highly doubtful. The learned

Counsel submits that the entire case of the prosecution, insofar as the applicant is concerned, rests on circumstantial evidence.

7. The learned Counsel further submits that the investigation in the present crime has been concluded and the charge-sheet has already been filed. It is also brought to the notice of the Court that the applicant has no criminal antecedents.

8. The learned Counsel further submits that the applicant has been languishing in jail since 4 December 2024 along with her infant child and the jail environment is not congenial for the development of the child.

9. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, contends that the allegations against the applicant are of a grave and serious nature. It is submitted that the applicant in furtherance of a common intention with the co-accused committed the murder of the deceased. The learned APP draws the attention of this Court to the PM report which *prima facie* indicates that the deceased was initially subjected to physical assault and thereafter strangled. It is further submitted that there existed a discernible motive on the part of the applicant, inasmuch as the applicant and the deceased were embroiled in prior discord.

10. This Court has given anxious consideration to the rival contentions and perused the records. It appears from the record that the deceased was found dead at her residence on 30 November 2023, however, at that time she was not named as an accused. Subsequently, the Chemical Analyser's Report dated 12 April 2024 was received by the Medical Officer attached to the Post Mortem Centre, YCM Hospital, PCMC, Pune, as well as by the investigating agency. However, despite receipt of the said report, the investigating agency failed to take any steps to obtain the final medical opinion regarding the cause of death until 5 October 2024. Even thereafter, no investigation appears to have been carried out by the police in relation to the determined cause of death.

11. It is further evident that on 27 October 2024, the police recorded a supplementary statement of the informant, wherein, for the first time, allegations were levelled against the present applicant and her mother, imputing them as the assailants. Except for the statement of the informant, nothing is on record to connect the applicant with the present crime. Notably, the first informant is not an eyewitness to the incident. Furthermore, it is not the case of the prosecution that the deceased was alone in the company of the applicant at the relevant time. It is also of considerable significance that the

alleged incident is stated to have occurred on 30 November 2023, whereas the applicant had delivered a child merely a week prior thereto, on 22 November 2023, which circumstance cannot be lost sight of while evaluating the allegations and the applicant's alleged involvement.

12. Moreover, the investigation into the crime has been concluded, and the chargesheet has already been filed. The applicant is stated to have no criminal antecedents. It is further borne out from the record that the applicant has been languishing in jail for over a year along with her infant child, and there appears to be no substantial progress in the trial proceedings thus far.

13. In totality of the circumstances, this Court finds it fit to enlarge the applicant on bail. Hence, the following order:

#### ORDER

(i) The applicant shall be released on bail in CR No.1161 of 2024, registered at Wakad Police Station, Pimpri Chinchwad, Pune, upon executing a PR Bond of Rs.25,000/ and furnishing one or more sureties in the like amount.

(ii) The applicant shall not, either personally or through any other person,

attempt to tamper with prosecution evidence or influence the witnesses.

(iii) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

14. The application stands disposed of accordingly

**(R.N. Laddha, J.)**