IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1983 OF 2026
WITH
BAIL APPLICATION NO. 1634 OF 2026

JAYSHRI KAKASAHEB CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant in BA/1983/2026 : Ms. Sayali Samadhan Tekale (Through Legal Aid)
Advocate for Applicant in BA/1634/2026 : Mr. K. N. Shermale
APP for Respondent - State : Mrs. Ashlesha S. Deshmukh

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 12th OCTOBER, 2026

PER COURT :

1. Learned Advocate Ms. Sayali Tekale, who is appointed through Legal Aid in Bail Application No.1983 of 2026, submits that she has instructions to withdraw the Bail Application No. 1983 of 2026 as the applicant has now engaged an another Advocate and has filed a separate Bail Application No.1634 of 2026. On the last occasion, the learned Advocate has sought time to take instructions.

2. Bail Application No.1983 of 2026 stands disposed of as withdrawn for the reason that a separate Bail Application No.1634 of 2026 is already filed by the applicant through an Advocate of his choice.

3. Heard the learned Advocate Mr. K. N. Shermale for the applicant and the learned APP for the respondent – State.

4. I have also perused the entire charge-sheet that has been annexed to the present application. The applicant, who is a woman, is arrested on 13.10.2025 by the Investigating Officer in connection with Crime No.301 of 2025, registered with Ghargaon Police Station, Dist. Ahilyanagar, for offences punishable under section 103(1) of the Bharatiya Nyaya Sanhita (BNS). Since 13.10.2025, she is in custody.

5. The prosecution story, in brief, is that the informant, who is the legally wedded wife of the deceased, has alleged that the deceased and the present applicant were in an illicit relationship and were residing with each other since past three years. Due to the illicit relationship, the present informant and the deceased had a dispute among themselves, and therefore she was residing separately with her children. On the date of the incident, the deceased allegedly had called the informant to resolve the dispute between the present applicant and the informant. When they met, the deceased expressed his desire to resume his cohabitation with the informant. However, it is alleged that the applicant threatened

him with life threat if the deceased leave her and resume his residence with the informant. Both have then left. The informant had proceeded to the house of her sister-in-law along with the children, while the deceased is allegedly in the company of the present applicant throughout the night. It is further alleged that at 12:00 in the night, the applicant called the informant on phone and stated that the deceased is assaulting her with stone and alleged to have cut the phone. On the next day, the informant came to know that the deceased was lying near the temple, and when she reached the spot, she saw the deceased with severe injuries to his head, ear, and other body parts. The deceased had succumbed to the said injuries, and therefore the FIR came to be registered. The applicant was arrested in connection with the alleged FIR, as the said FIR named her as the person responsible for the death of the deceased.

6. Learned Advocate for the applicant submits that the case of the prosecution is based on circumstantial evidence, and there is no direct evidence available on record to suggest that the death of the deceased has been caused by the present applicant. He submits that the proximity of the time between the applicant and the deceased together, seen by the informant, and the actual time of death is quite long and therefore even last seen theory cannot be alleged against the present applicant. He submits that though there

is alleged recovery of wooden log and blood stained saree at the instance of the present applicant, that alone cannot be the circumstance which can rope the present applicant in the alleged offence of murdering the deceased. He submits that the applicant is a woman and has been in custody since 13.10.2025. The trial has not yet begun, and investigation is complete. Thus, merely because of the circumstantial evidence, a woman need not be kept in prison for such a longer time. He submits that the applicant also has two minor children who are completely and solely dependent upon the applicant. He, thus, prays that the applicant be released on bail.

7. Learned APP for the State vehemently opposes the application. She argues that the seriousness and the gravity of the offence needs to be considered, and merely because the applicant is a woman, she cannot be held to be entitled for bail. She argues that the applicant was residing with the deceased since past three years, and even on the date of incident, the informant herself has stated that both of them were together. She submits that the conduct of the applicant to call up the informant in the night at 12:00, informing that the accused is assaulting her with stone, and then abruptly disconnecting the phone itself shows that they were together and the alleged quarrel has taken place, out of which the applicant had assaulted the deceased, for which he has succumbed

to the injuries. Learned APP submits that the recovery of a wooden log at the instance of the present applicant and blood-stained saree recovered from the house of the applicant is also an important circumstance which should be taken into consideration while deciding the present application. She submits that there is ample evidence available on record by way of statements where the witnesses have stated that the applicant and the deceased were residing together and have been cohabiting with each other for last three years. There is no other reason as to why the deceased will be assaulted by any third person. The last seen theory is very much applicable in the present case, and therefore, the application be rejected.

8. I have heard the learned Advocate for the parties and have also perused the entire charge-sheet. The learned Advocate for the applicant is right in saying that there is no direct evidence against the present applicant to suggest that the alleged assault inflicted on the deceased, due to which the death has occurred, can be attributed to the present applicant. However, it is also not correct to say that there is absolutely no material against the present applicant. Though the prosecution case solely bases on the circumstantial evidence such as last seen together, long cohabitation, and the night call made by the applicant to the

informant about there being a quarrel in which the deceased is assaulting the applicant and the recovery of blood-stained saree at the instance of the present applicant, it forms an important piece of circumstantial evidence against the present applicant. However, taking into consideration the fact that the investigation is complete, the applicant is a woman and has been in custody since 13.10.2025, the circumstances alleged by the prosecution against the present applicant will have to be proved before the learned Trial Court, I am of the opinion that the application deserves to be allowed and the applicant is released on bail on following terms and conditions. Hence, the following order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in Crime No.301 of 2025, registered with Ghargaon Police Station, Dist. Ahilyanagar, for offences punishable under section 103(1) of the Bharatiya Nyaya Sanhita (BNS), on furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, subject to the following conditions:

a) The applicant shall attend the trial Court on every date fixed, unless their attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact,

threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish her current residential address and mobile numbers to the Investigating Officer and the Trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not involve herself in any offence of a similar nature while on bail.

e) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale