IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CRIMINAL APPEAL NO. 732 OF 2026

JAISHREE MADANSINH THAKUR ALIAS MAMIDWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Mr. Santosh C. Bhosle, Advocate for Appellant
Mr. N. R. Dayama, APP for the Respondent/State
Mr. B. N. Gadegaonkar, Advocate for Respondent No.3.

CORAM : R. M. JOSHI, J.
DATED : 27th OCTOBER, 2026

PER COURT :-

1. Appellant seeks regular bail in connection with Crime No. 360/2025, registered with Itwara Police Station, District Nanded for the offences punishable under Sections, 103, 109, 61(2), 189, 190, 191(2), 193(3) of the Bhartiya Nyaya Sanhita, under Sections 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Sections 3/25, 27 of the Arms Act and Section 142 of the Maharashtra Police Act.

2. The First Information Report indicates that the Appellant and other family members were opposed to the relationship between her daughter and the deceased, as they belonged to different castes. On 27.11.2025, the deceased was murdered by the co-accused. Admittedly, the Appellant was not present at the spot when the incident occurred. However, an allegation has

been levelled against her that she conspired with the co-accused to commit the murder.

3. The learned Advocate for the Appellant drew the attention of the Court to the charge-sheet, particularly the statement of the Appellant's daughter recorded by the police, which, according to him, does not attribute any specific role to the Appellant in the commission of the alleged offence. He submitted that the statement made by the daughter before the learned Magistrate is contrary to her earlier statement recorded by the police and, therefore, cannot be relied upon. He further submitted that the Appellant is a woman and that, as the charge-sheet does not disclose any cogent evidence establishing her involvement in the alleged offence, she deserves to be released on bail.

4. The learned APP and the learned Advocate for the Informant opposed the grant of regular bail to the Appellant on the ground that the alleged offence is serious in nature. They drew the attention of the Court to the statement of the Appellant's daughter recorded before the learned Magistrate, wherein she has alleged that the Appellant, along with the co-accused, conspired to murder the deceased. It was further submitted that the husband and son of the Appellant have been externed from the city of Nanded. In view of these circumstances, they submitted that the appeal deserves to be rejected.

5. Admittedly, the Appellant was not present at the spot when the deceased was murdered. Thus, the only allegation against the Appellant is that she was involved in a conspiracy with the co-accused to commit the murder of the deceased. Even if it is accepted that the Appellant and her family members were opposed to the relationship between their daughter and the deceased, such opposition, by itself, is insufficient to establish the Appellant's involvement in the alleged crime. In her statement recorded before the learned Magistrate, the daughter of the Appellant stated that, on 27.11.2025 at about 11:00 a.m., a conspiracy to murder the deceased was hatched by the Appellant and the co-accused. However, this statement is in apparent contradiction with her statement recorded by the police, wherein she stated that, at about 11:00 a.m. on the same day, her brother had taken her to the police station. In the said statement, she has narrated in detail the events from the time she was taken to the police station until she was brought back home. Significantly, no specific role has been attributed to the Appellant in the said statement.

6. In these circumstances, this Court finds substance in the contention raised by the learned Advocate for the Appellant that, at this stage, there may not be sufficient material to establish the Appellant's involvement in the alleged offence. The Appellant is a woman, and there is no likelihood of the

trial concluding in the near future. Having regard to the nature of the allegations and the material available against the Appellant, this Court is of the considered view that the Appellant has made out a case for grant of bail. Hence, the following order.

ORDER

(i) Appeal is allowed.

(ii) Appellant in connection with Crime No. 360/2025, registered with Itwara Police Station, District Nanded for the offences punishable under Sections, 103, 109, 61(2), 189, 190, 191(2), 193(3) of the Bhartiya Nyaya Sanhita, under Sections 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Sections 3/25, 27 of the Arms Act and Section 142 of the Maharashtra Police Act be released on bail on furnishing PB and SB of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

(iii) She shall not contact the witnesses directly or indirectly.

(iv) She shall not interfere with the evidence in any manner whatsoever.

(v) She is further directed to cooperate the investigating agency for further investigation.

7. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

(R. M. JOSHI, J.)

ssp