



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2349 OF 2025

SUMITRA ALIAS SAUMITRA KAILAS GALANDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vishal A. Bagdiya
APP for Respondent : Ms. P. V. Diggikar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.119 of 2025 dated 03.06.2025 registered with Goregaon Police Station, Taluka Sengaoon, District Hingoli, for the offences punishable under Sections 103(1), 238(A) of the *Bhartiya Nyaya Sanhita*, 2023. In the said crime, the applicant was arrested on 04.06.2025. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that the deceased was the husband of the applicant. Under the influence of liquor, the deceased frequently used to beat and abuse the applicant. On the night of 03.06.2025, during altercation where the deceased was allegedly beating the applicant, she retaliated by assaulting the deceased with a "Katti" and setting him on fire. Hence, lodged the report.

3. The learned counsel for the applicant submits that the allegations are afterthought and lack independent corroboration.

It is submitted that the incident was a sudden reaction to domestic violence initiated by the deceased, who was the primary aggressor. Furthermore, the applicant is a homemaker with no criminal history, and the prosecution's reliance on an inadmissible confessional statement renders the case against the applicant weak and doubtful. Hence, prayed to allow the application.

4. Learned A.P.P. has strongly opposes the application and contending that a *prima facie* case exists based on the specific roles attributed to the applicant in the first information report. Considering that the offence carries a potential life sentence or death penalty and involves testimony from the deceased's son and relatives, the prosecution argues that the applicant's release poses a significant risk of witness tampering. Hence, prayed to reject the application.

5. Upon considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, indicates that the statements of the witnesses show that under the proviso to Section 437(1) of the CrPC (and the corresponding Section 480 of the BNSS), the court is vested with the discretion to grant bail to a woman even in cases involving offences punishable by death or life imprisonment. This special provision recognizes the unique social and domestic position of female applicants.

6. *Prima facie* the incident was not a premeditated act of murder but rather an escalation of a domestic dispute. The history

of the deceased's intoxication and physical abuse towards the applicant *prima facie* indicates that the act occurred in the spur of the moment or under grave provocation, which are matters to be adjudicated at trial.

7. Since the primary witnesses are family members and the alleged weapon has been already seized, the applicant's continued custodial detention serves no further investigative purpose. Pre-trial incarceration should not be used as a punitive measure when the applicant's presence at trial can be secured.

The applicant is a permanent resident and a "household woman" with deep roots in the community. There is no evidence to suggest a risk of absconding. Apprehension regarding the tampering of witnesses can be effectively taken care by imposing strict conditions.

8. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise discretion in favour of applicant.

9. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Sumitra @ Saumitra Kailas Galande, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.119 of 2025 dated 03.06.2025 registered with Goregaon Police Station, Taluka Sengaon, District Hingoli, for the offences punishable under Sections 103(1), 238(A) of the *Bhartiya Nyaya Sanhita*, 2023, on the following conditions :-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit *Aadhar* and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]