



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2495 OF 2025

Shila w/o Suresh Khanapure

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. A.G. Choudhari, Advocate for applicant
Mr. C.V. Bhadane, A.P.P. for respondent – State
Mr. P.P. Kothari, Advocate for informant
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks her release on regular bail in connection with Crime No.323/2025, registered with Cantonment (Chhavani) Police Station, Chhatrapati Sambhajnagar City, for the offences punishable under Sections 109, 115(2), 333, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, on the night of

2/8/2025, after returning home from work at 11.00 p.m. as usual and after having dinner along with children, the informant went to sleep alongwith the children. His wife was awoke. At about 1.00 a.m. on 3/8/2025, the informant's wife allegedly called her lover Raju Bhanudas Khaire to the house and took him in the house. Both of them allegedly attempted to kill the informant by strangulating him with a shawl, due to which he woke up and fell down from the cot. It is alleged that, both of them assaulted him and Raju sat on his chest and pressed his mouth with the help of pillow and his wife i.e. the present applicant caught hold of his hands. It is alleged that, the informant pushed aside Raju and the present applicant, and shouted loudly. However, both of them had kept the T.V. on with high volume. Therefore, raised alarm and banged the door loudly.

3. The landlord Vishal Jadhav and his brother knocked the door loudly, at that time, the present applicant opened the door from inside and ran away whereas the informant caught hold Raju. His landlord Vishal Jadhav and his brother came inside the house. Thereafter the informant came to know that the present applicant had already called Raju in the house and made her children sit in

an autorickshaw outside and were to kill him. People from the lane had gathered and caught accused Raju. The present applicant fled away along with both children.

4. The learned counsel for the applicant submits that, the applicant is a woman and has been in custody since 7/8/2025 i.e. for almost last four months. The applicant being a primary caretaker of her children and considering that the chargesheet is filed, she be released on bail by imposing stringent conditions.

5. The learned A.P.P. has opposed the application, submitting that the offence is of serious nature. The applicant along with the co-accused had consciously attempted to kill her husband. The learned A.P.P. further apprehended that if the applicant is released on bail, the applicant may flee away. Hence prayed to reject the application.

6. Upon hearing the respective counsels for both the sides and upon perusal of the record including chargesheet, it is indicated that, the informant, who is husband of the applicant, has filed an affidavit, stating that the present F.I.R. is lodged due to matrimonial misunderstanding, eventually has resulted into a

mutual compromise.

7. In the aforesaid view of the matter and considering that the applicant is a woman and is primary caretaker of the children, I am inclined to exercise the discretion in favour of the applicant.

8. Nevertheless, the investigation is complete for all intents and purposes. Nothing is to be recovered from the applicant. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant.

9. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Shila Suresh Khanapure be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution

witnesses.

(b) The applicant shall remain present on each date, unless exempted by the trial Court.

(iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-