



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

ANTICIPATORY BAIL APPLICATION NO. 1971 OF 2025

ARCHANA SUBHASH RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
WITH
CRIMINAL APPLICATION NO. 84 OF 2026
SANJAY MOTIRAM RATHOD
VERSUS
ARCHANA SUBHASH RATHOD AND OTHERS

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
Addl.PP for Respondents/State : Mr. A. S. Shinde
Advocate for assisting prosecution : Mr. D.R. Kale Patil
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 1st APRIL 2026

PER COURT :

1. Heard the learned Counsel for the Applicant, the learned Assisting Counsel and the learned APP for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with FIR No. 372 of 2025 registered with Jawahar Nagar Police Station, District Aurangabad, for the offences punishable under Sections 103, 118(3), 118(5), 351, 352, 227, 228, 238 of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that on 20/08/2025 an Accidental Death Report (ADR) bearing No. 48/2025 was registered at Jawahar Nagar Police Station. P.H.C. No.183 Wankhede conducted an inquiry into the said report, prepared a panchnama of the spot, and recorded statements of witnesses. Subsequently, the father of the victim filed an application under Section 175(3) of the BNSS. Pursuant to the directions of the Learned Magistrate, the present crime was registered. It is alleged that the informant's son, Om, had gone to his uncle's house, where he succumbed to a gas cylinder explosion. According to the informant, the death was not accidental. He has alleged that his son was murdered and that the accused attempted to conceal the crime by making it appear as suicide. At the scene of the incident, blood stains were visible on the wall, belongings in the adjacent room were scattered, and a steel bottle was found broken. These circumstances indicate a violent struggle prior to the explosion. At the time of the incident, the deceased Om and accused No.1, Archana Rathod, were present. The informant later learned that Archana sustained a head injury and had nail marks on her neck. It is further alleged that accused No.2, Omkar Chavan, has been hiding accused No.1 since the incident. He prevented the informant from meeting her and provided her treatment at Gajanan Hospital and Hedgewar Hospital. Due to the suspicious conduct of the accused, the informant made inquiries with neighbours, who revealed that there had been a quarrel between the deceased and accused No.1 before the incident. The police, however, did not record the statements of neighbours, nor was the scene

thoroughly examined. On 08/09/2025, the informant lodged a complaint with the Commissioner of Police. Suspecting foul play, he approached the Learned Magistrate, and accordingly, the present crime was registered.

4. The learned Counsel for the Applicant submits that this Court, vide interim order dated 24.11.2025, was pleased to protect the Applicant by passing a detailed interim order operating the prima facie case made out by the Applicant with a condition to attend the Investigating Officer and to cooperate with the investigation. The learned Counsel for the Applicant submits that the Applicant has duly attended the police station and has cooperated with the Investigating Officer as directed by this Court. The investigation as against the Applicant is almost complete. The further custodial interrogation of the Applicant may not be required, hence the interim order may be confirmed and the Applicant may be released on bail.

5. The learned Counsel for the Applicant further submits that a perusal of the FIR reveals that there was a delay of about two months for lodging the complaint. Initially, an Accidental Death Om Report (ADR) No. 218/2025 was registered upon the death of deceased Rathod, treating it as an accidental death. During the inquiry conducted by the police, statements of witnesses were recorded, a spot panchnama was prepared, and relevant evidence was collected. However, the father of the deceased, who is the complainant herein, made an application to the police authority seeking registration of an

FIR. The police authority failed to register the FIR. Consequently, the complainant approached the Superintendent of Police. As the Superintendent of Police did not take any action, the complainant was compelled to approach the Learned Judicial Magistrate First Class by filing an application under Section 156(3) of the Cr.P.C. The Learned JMFC, by order dated 09.10.2025, directed the police to register the FIR under Section 156(3) Cr.P.C., as a prima facie case of the offence of murder was made out.

6. The police report filed by the authorities in the said proceedings makes it clear that the present Applicant, Archana, had attempted to save the deceased by immediately approaching the neighbourhood and informing witness Pandit Tathe about the conduct of the deceased, who had closed the door from inside and switched on the gas cylinder. The statements of Pandit Tathe, Sheela Rathod, Prashant, and Omkar, recorded during the inquiry, support the fact that the Applicant tried to save the victim. The Applicant herself sustained injuries in the scuffle that had taken place between her and the deceased earlier in the day. She was required to undergo treatment at the hospital for those injuries.

7. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Since the Applicant has attended the police station and cooperated with the investigation she may be released on anticipatory bail.

8. As against the submissions of the learned APP Mr. Ingole and the learned Assisting Counsel Mr. Kale Patil, it is strongly opposed that the present application be allowed on the ground that the Applicant is involved in the serious offence of committing murder. It is submitted that sufficient evidence has been collected by the prosecution to home the guilt of the Applicant in the crime. The statement of the Applicant recorded on 20.08.2025 varies from the statement recorded on 22.08.2025, and her conduct demonstrates that she was attempting to suppress her involvement in the offence. The Applicant was the only person present at the spot of the incident apart from the deceased, and therefore, there arises a presumption under Section 106 of the Evidence Act against her. The injuries sustained by the Applicant further indicate her involvement in the present crime. Accordingly, custodial interrogation of the Applicant is necessary to complete the investigation from all angles, as the death of the deceased occurred under suspicious circumstances.

9. The learned APP and the learned Assisting Counsel further submit that although the Applicant has attended the police station, she has failed to cooperate with the investigation. While the statements of other witnesses have been recorded, certain forensic expert reports are still awaited. Hence, there is every likelihood that if the Applicant is released on bail, she may tamper with the evidence. It is further submitted that blood stains were found on the wall during the spot panchnama, which indicates that a scuffle had taken place. The statement of co-accused Omkar shows that the

present Applicant had an initial quarrel with the deceased earlier in the day. However, while recording her statements on 20.08.2025 and 22.08.2025, the Applicant did not disclose any such scuffle with the deceased. Thus, custodial interrogation of the Applicant is required to complete the investigation from all angles, as the death of the deceased occurred under suspicious circumstances.

10. I have gone through the investigation papers. A perusal of the same shows that on the date of the incident itself, the statement of the Applicant was recorded on 20.08.2025. In that statement, she stated that the incident had taken place in her house and that she immediately ran to neighbour Pandit Tathe for help, requesting him to save the deceased. The statement recorded on 22.08.2025 shows that she stated the doors of the house were closed from inside and that the deceased was not opening them. This statement of the Applicant is corroborated by two other witnesses, namely Prashant Damodhar and Pandit Tathe. Witness Prashant specifically stated that all the entries of the house, i.e., the doors as well as the windows, were latched from inside, and that he was required to break them open with an iron rod, with the assistance of people present at the spot. After opening the house, they entered and found the deceased in a burnt condition. His statement was also recorded on the date of the incident, i.e., 20.08.2025. Similarly, the statement of neighbour Pandit Tathe, to whom the Applicant had immediately approached after the incident, was recorded on 21.08.2025, i.e., the next day. He corroborated the facts stated by the Applicant, confirming that she

had immediately approached him for help after finding that the deceased was inside the house. The said witness Pandit also stated that all the doors of the house were latched from inside. With the assistance of labourers working at a nearby construction site, the people gathered at the spot were required to break open the doors. Upon entering the house, they found the deceased in a burnt condition. There are other statements on record which corroborate the narration of facts made by the Applicant in her initial statement recorded on 20.08.2025. The alleged discrepancies between the Applicant's statements dated 20.08.2025 and 22.08.2025 are not of such a nature as to prima facie disbelieve the version put forth by the Applicant. However, these observations are only prima facie in nature and shall not influence the trial Court. Initially, an accidental death was registered, and an inquiry was conducted by the police regarding the accidental death of the deceased. Even though a complaint was made by the first informant, the police authorities did not register an offence of murder against the Applicant or the other accused persons. The Applicant was therefore required to approach the Learned JMFC for obtaining appropriate orders. The present FIR is a result of the directions issued by the Learned JMFC.

. Be that as it may, since the passing of the interim order, the Applicant has cooperated with the investigation and attended the police station. Taking into consideration the discrepancies in the prosecution case as stated hereinabove particularly the delay in registration of the FIR, the complainant having been compelled to approach the Learned JMFC for registration of the FIR, and the

statements of the Applicant being corroborated by witnesses Pandit, Neelam, and others, I do not find any impediment in confirming the interim order dated 24.11.2025 passed by this Court. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 24.11.2025 is hereby confirmed.
- (iii) The Applicant shall attend the Jawahar Nagar Police Station, District Aurangabad on every Saturday and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
- (iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.
- (v) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (vi) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- (vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.
- (viii) With the aforesaid directions, the application is disposed of.
- (ix) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE