



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 229 OF 2026

MANISHA SANTOSH DEVKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Ms. Neha Udavant h/f Mr. S. J. Salunke
APP for Respondents-State : Mr. G. O. Wattamwar
Advocate for Applicant (Cri.Appln.) : Mr. Karan V. Sarosiya h/f Mr.
S. S. Bora (Assist to PP)

WITH
CRIMINAL APPLICATION NO. 638 OF 2026
IN BA/229/2026

CORAM : SACHIN S. DESHMUKH, J.
Date : 23rd February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 12.10.2025 bearing Crime No. 351 of 2025 registered with Ambhora Police Station, Dist. Beed for the offences punishable under Sections 103, 103(1), 109, 115(2), 118(2), 189(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita.

2. The prosecution case is that the informant resides with husband Mithu Devkar, father-in-law Chhabu Devkar, mother-in-

law Radhabai and daughters Nikita and Sakshi. On 11.10.2025 approximately at 11:00 am, a verbal altercation occurred between Mithu Devkar and the accused Ramdas Bapu Devkar regarding a water pipeline dispute in the fields.

3. Thereafter at around 04:00 pm, a minor incident involving a ball falling into the yard led to a second confrontation. While Chhabu Devkar was speaking to a neighbor's child, Karan, the accused Kavita Ramdas Devkar intervened and began shouting abuses at him. Approximately at 04:30 pm on 11.10.2025, while the informant and Radhabai were weeding jowar in the "Pathar" field, heard loud screams from their residence.

4. Upon rushing to the spot, witnessed Rahul Baban Devkar repeatedly striking Chhabu Devkar on the neck and head with a sickle, causing him to collapse in a pool of blood with injuries to both legs. Simultaneously, the informant observed Ramdas Bapu Devkar striking husband Mithu Devkar, on the head and face with an iron pipe. Rahul Baban Devkar then stabbed Mithu in the stomach with the sickle, while Santosh Bapu Devkar joined the assault, beating Mithu with an iron rod.

5. During the assault, the accused Manisha Santosh Devkar, Kavita Ramdas Devkar and Lata Baban Devkar, instigated the attackers, shouting, "Don't leave them today, finish them off once and for all." When the informant attempted to intervene, Manisha Devkar pushed her to the ground and Kavita Devkar kicked her. The assault continued despite the pleas of the informant's minor daughters, Nikita and Sakshi.

6. Upon noting the victims profusely bleeding and unconscious, the accused fled the scene with their weapons. The informant contacted a relative, Rinku Belhekar, who arranged a four-wheeler for transport. One Sudam Raktate, joined them to assist. While proceeding to the hospital in Ahilyanagar on 11.10.2025, Mithu Devkar, in a conscious state, managed to narrate the sequence of events regarding the pipeline dispute and the earlier provocation before reaching the medical facility for emergency treatment.

7. The learned counsel for the applicants submits that the applicants are women and falsely implicated in the present case due to an existing family and land-related dispute concerning a water pipeline. The role attributed to the present applicants is

limited to general verbal abuse and instigation, which is a common tendency in such FIRs to ensure the incarceration of entire families. The investigation is complete and the charge-sheet has been filed. As such, no further incarceration of the applicants is warranted. Hence, the counsel prayed to allow the application.

8. Per contra, the learned APP and the learned counsel Assisting to PP have vehemently opposed the application submitting that the present case involves a pre-planned and brutal attack on two victims Chhabu Devkar and Mithu Devkar on 11.10.2025. It is further submitted that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicants. It is contended that if the applicants are enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

9. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the primary allegations of assault with lethal weapons, specifically a sickle, an iron pipe, and an iron rod, are directed toward the male co-accused, Rahul, Ramdas, and Santosh Devkar. The roles attributed to the applicants, Manisha and Kavita, are

primarily limited to verbal instigation and a minor physical scuffle.

10. While the prosecution alleges that the applicants were part of an unlawful assembly, the determination of "common intention" to commit murder is a matter of trial. At this prima facie stage, the overt acts attributed to these two women do not appear to be of a nature that would necessitate their continued incarceration, especially when the main assailants are already in custody and the weapons of offence have been identified as being in the possession of the male accused. Apart from the aforesaid aspect, the applicant is entitled to bail on the ground of parity also, as co-accused No. 6, Lata, who is attributed a similar role, has already been enlarged on bail.

11. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. Moreover, the applicants are entitled to the benefit of Section 480(1) of the BNSS. The statutory provision specifically empowers the Court to exercise its discretion in favour of women, even in cases involving serious non-bailable

offences.

12. As such, further detention of the applicants 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 the discretion in favor of the applicants. The apprehension expressed by the learned APP and the learned counsel for informant about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

13. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicants – **No. 1 Manisha Santosh Devkar and No. 2 Kavita Ramdas Devkar** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in connection with Crime No. 351 of 2025 registered with Ambhora Police Station, Dist. Beed for the offences punishable under Sections 103, 103(1), 109, 115(2), 118(2), 189(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita, on the following conditions :-
 - (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (IV) Resultantly, pending criminal application also stands dismissed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi