



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

BAIL APPLICATION NO. 390 OF 2026

1. Idris S/o Illyas Pathan,
Age : 38 Years, Occu. : Agril.,
R/o Navgaon, Tq. Paithan,
Dist. Chha. Sambhajinagar.
 2. Rukhaiyya W/o Idris Pathan,
Age : 35 Years, Occu. : Household,
R/o Navgaon, Tq. Paithan,
Dist. Chha. Sambhajinagar. .. Applicants
- Versus**
- The State of Maharashtra .. Respondent

Shri Mahesh S. Deshmukh, Advocate h/f Shri Uddhav L.
Momale, Advocate for the Applicants.
Shri A. R. Kale, Addl.P.P. for the Respondent – State.
Shri Sudarshan J. Salunke, Advocate for the Informant.

**WITH
CRIMINAL APPLICATION NO. 999 OF 2026
IN
BAIL APPLICATION NO. 390 OF 2026**

Pathan Shaker Khan .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Sudarshan J. Salunke, Advocate for the Applicant
Shri A. R. Kale, Addl.P.P. for the Respondent No. 1
Shri Mahesh S. Deshmukh, Advocate h/f Shri Uddhav L.
Momale, Advocate for the Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 10TH APRIL, 2026.**

FINAL ORDER :

. Heard both sides.

2. After hearing the applicants for some time, when this Court shown disinclination to grant bail to the applicant No. 1, learned counsel for the applicants on instructions seeks leave to withdraw the application to the extent of applicant No. 1. Bail application to the extent of applicant No. 1 - Idris S/o Illyas Pathan stands disposed of as withdrawn.

3. Applicants are seeking enlargement on bail in respect of offence bearing Cr. No. 314/2025 registered with Paithan Police Station, Dist. Chhatrapati Sambhaninagar for the offences punishable U/Sec. 103, 61(2), 238, 80, 85, 115 of the Bhartiya Nyaya Sanhita, 2023.

4. Applicant No. 1 is arrested on 05.09.2025 and the applicant No. 2 is arrested on 06.09.2025. Charge sheet is filed on 28.11.2025 against 05 persons. Applicant No. 1 is brother – in – law of the deceased and the applicant No. 2 is his wife. It is alleged against the applicants that Fatima was illtreated by the accused persons physically and mentally. She was being demanded money for business and was being persistently harassed since April 2023. It was reported on 05.09.2025 that she committed suicide. It revealed during the course of investigation that she was done to death by strangulation. She

was suspecting illicit relations of the accused No. 1 with the applicant No. 2 and there used to be quarrels on that count. On couple of occasions the members of the family and relatives tried to settle the disputes. It is further revealed in the investigation that daughter of the deceased Sidra disclosed immediately after the incident that her mother was being killed by the accused No. 1 – Idris, which was video graphed by the brother of the deceased.

5. In the above backdrop, learned counsel Mr. Deshmukh submits that no role can be attributed to the applicant No. 2. No specific allegations are made and no material is collected to show her incriminating role. The seizure panchanama, contents of pen drive and the statement of Shaker Abdul Kadir Khan Pathan would show that it is the accused No. 1, who was responsible for suicide. The statement of the minor recorded on 25.09.2025 is a tutored version and cannot be relied upon. The offence U/Sec. 103 of the Bharitya Nyaya Sanhita is added due to the pen drive submitted to the investigating officer. There is ample material to show that in a night intervening deceased committed suicide by hanging herself as Odhani was recovered.

6. Per contra, learned A. P. P. submits that the inquest panchanama and injuries noticed during postmortem would suggest that it is not a suicidal death, but she was being assaulted. The statement of the minor recorded on 25.09.2025 is

reliable and cannot be faulted at this stage.

7. Learned counsel Mr. Sudarshan Salunke additionally submits that the family members were inside and it was not possible to commit suicide. No material is discovered from the spot and the spot panchanama does not show any signs of hanging. The statement of Pathan Amer and Sahel Pathan are incriminating.

8. I have gone through first information report as well as the statements of the relatives of the deceased. The consistent incriminating role can be attributable to the husband - Idris and the applicant No. 1 – Iliyas. Though the applicant No. 2 is attributed a role in a different context, no overt act on her part are surfacing. The statement of the child witness was recorded on 25.09.2025, which shows role of the applicant No. 1 along with other persons. The seizure of the pen drive and its content recorded on 25.09.2025 does not spell out any role of the applicant No. 2. There is room to infer that the version immediately after the incident appears to be natural and probable, than one recorded after twenty days. *Prima facie*, the material collected during the investigation does not show case of suicide by hanging. The injuries on the dead body indicate assault.

9. Applicant No. 2 is behind bars since 06.09.2025. She is a woman, hence I am inclined to release her on bail. I, therefore,

pass following order.

O R D E R

- A. The bail application is allowed.
- B. Applicant No. 2 – Rukhaiyya W/o Idris Pathan shall be released on bail in respect of Cr. No. 314/2025 registered with Paithan Police Station, Dist. Chhatrapati Sambhaninagar for the offences punishable U/Sec. 103, 61(2), 238, 80, 85, 115 of the Bhartiya Nyaya Sanhita, 2023 on condition of furnishing P. R. bond and S. B. of Rs. 30,000/- (Rs. Thirty thousands only) with one solvent surety of like amount.
- C. The applicant No. 2 shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- D. The applicant No. 2 shall cooperate in expeditious disposal of the trial.
- E. The applicant No. 2 shall surrender her Aadhar and Pan cards to the investigating officer.
- F. Bail application is disposed of.
- G. Criminal Application No. 999 of 2026 is disposed of.

[SHAILESH P. BRAHME J.]

bsb/April 26