



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

960 BAIL APPLICATION NO. 177 OF 2026

1. Mohasin Rukmoddin Shaikh
 2. Yasmin Rukmoddin Shaikh
-Applicants

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. M. R. Deshmukh, Advocate for Applicants.
Mr. C. V. Bhadane, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th FEBRUARY, 2026.

PER COURT :

1. Applicants seek regular bail in connection with Crime No. 001/2026 registered with Bembli Police Station, Dist. Dharashiv, for the offences punishable under Sections 108, 80(2), 85, 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.
2. Case of the prosecution is that on 02.01.2026 at bout 10.00 am, the accused called the mother of the deceased and threatened to take the deceased back. Thereafter the informant and the mother of the deceased narrated the same to his uncle, who thereafter called the accused to settle the dispute. When informant called deceased, it was informed that on the count of demand of gold articles, all the accused used to abuse and assault. On 02.01.2026, at about 11.08

pm, accused Mohsin called uncle of the informant and informed that the deceased has consumed poisonous substance and is hospitalized. When informant along with other relatives visited the hospital, they came to know about death. On the basis of these allegations, First Information Report came to be lodged.

3. Learned Counsel for Applicants submits that the Applicant is falsely implicated in the offence. It is case of suicidal death, therefore, possibility of false implication cannot be ruled out. No specific role is attributed against Applicant No. 2. It is further submitted that Applicant No. 2 being a lady is entitled to statutory protection under Section 483 of the BNSS. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application submitting that Applicant No. 2 is involved in serious crime. The deceased has lost her life. The complicity of Applicant No. 2 is apparent. Post Mortem report indicates multiple injuries apart from ligature marks, which correspond to the First Information Report. Hence, prayed to reject the application.

5. After hearing at length, when this Court has shown disinclination to grant relief in favour of Applicant No. 1 - Mohasin Rukmoddin Shaikh, learned Counsel for Applicant, on instructions,

seeks leave to withdraw application to the extent of Applicant No. 1 Mohasin Rukmoddin Shaikh.

6. In that view of the same, application stands dismissed as against Applicant No. 1 - Mohasin Rukmoddin Shaikh.

7. Upon considering submissions of both sides and on perusal of the record, prima facie it appears to be a case of over implication in absence of specific role attributed against Applicant No. 2. Investigation in the crime is practically complete for all purpose and intent. Applicant is arrested on 04.01.2026.

8. Considering the age and status as a woman, the applicant is also entitled to statutory protection under Section 480 of the BNSS. Under these circumstances, the continued incarceration of the applicant is unjustified. Consequently, I am inclined to exercise discretion in favor of the applicant.

9. Hence, the following order :-

ORDER

(i) Application is dismissed as against Applicant No. 1 Mohasin Rukmoddin Shaikh as withdrawn.

(ii) Application stands allowed to the extent of Applicant No. 2 Yasmin Rukmoddin Shaikh.

(iii) Applicant No. 2, Yasmin Rukmoddin Shaikh, be released on bail, on 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. 001/2026 registered with Bembli Police Station, Dist. Dharashiv, for the offences punishable under Sections 108, 80(2), 85, 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya 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 of the Applicant 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 concerned Court seeking cancellation of bail.

(iv) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)