



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 182 OF 2026

SAROJANI WIRBABU BATHULA
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Pratap B. Vikhe
APP for Respondents-State : Ms. R. R. Tandale

...

WITH
BAIL APPLICATION NO. 91 OF 2026

PRIYANKA MANIKANATH UPPU AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ajit B. Chormal
APP for Respondents-State : Ms. R. R. Tandale

WITH
BAIL APPLICATION NO. 185 OF 2026

SHRINIWAS GOPPAYA ITTA
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Pratap B. Vikhe
APP for Respondents-State : Ms. R. R. Tandale

WITH
BAIL APPLICATION NO. 189 OF 2026

DURGA LAJAR CHALLA
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Pratap B. Vikhe
APP for Respondents-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 01.01.2026 bearing Crime No. 01 of 2026 registered with Shirdi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 310(4) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case asserts that in anticipation of the New Year celebrations beginning at midnight on 31.12.2025, an event known to draw thousands of devotees to the Shri Saibaba Temple, superior officers directed the informant to lead a security detail focused on preventing pick-pocketing and theft. At approximately 13:00 hours on 01.01.2026, while patrolling the vicinity of Temple Gate No. 2, the informant noticed a group of three men and three women whose behaviour appeared suspicious. Following a period of close observation, the informant determined that the individuals were conducting reconnaissance and repeatedly ingressing and egressing the darshan queue without actually offering prayer. Convinced that the group intended to exploit the dense crowd to commit theft, the informant intervened and

detained one man and two women, later identified as Srinivas Gopayya Itta, Sarojini Veerbabu Bathula, and Durga Lajar Challa, though two unidentified men and one woman successfully escaped into the crowd during the encounter.

3. Following the detention, a search resulted in the recovery of blades, a cutter, and currency, all of which were seized under a panchnama. Consequently, on the strength of these observations and the recovered evidence, the FIR was lodged.

4. The learned counsel for applicants in Bail Application No. 185/2026, on instruction seeks withdrawal of the application. Accordingly, the bail application stands dismissed as withdrawn, with liberty to approach concerned Court part filing of the charge-sheet.

5. So far as Bail Application No. 91 of 2026 is concerned, the learned counsel for applicants, not pressed the application to the extent of applicant No. 2. Accordingly, the Bail Application No. 91 of 2026 stands dismissed as 'not pressed' as against applicant No. 2, with liberty to present the application before the concerned Court part filing of the charge-sheet.

6. The learned counsel for the applicants (female accused)

submits that the the entire case against the applicants is based on mere suspicion and a strained interpretation of presence in a public place. The prosecution's narrative relies heavily on the informant's subjective observation of "suspicious" behaviour in a crowded religious setting, which, by itself, does not constitute a criminal act. The learned counsel further submits that the applicants are woman and as such, entitled to the beneficial consideration of the court under the proviso to Section 480 of the BNSS. Therefore, prayed that the application be allowed.

7. The learned APP opposed the application, submitting that the crime is serious in nature and that there is sufficient material on record to establish the complicity of the applicants. If the applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence or repetition of offence of similar nature. Accordingly, it was prayed that the application be rejected.

8. Having considered the submissions of both the sides and perusing the material on record, it is necessary to evaluate the gravity of the allegations against the principles of personal liberty. The prosecution case prima facie rests primarily on the observations of the informant regarding the suspicious movements

of the applicants and the subsequent recovery of certain articles. However, at this stage, it is pertinent to note that no victim has come forward to report an actual theft, nor is there any evidence of an overt act that resulted in the loss of property.

9. Prima facie, the accusation of "common intention" to commit theft appears to be an inference drawn from the applicants' presence in a crowded *darshan* queue, a circumstance that, without further corroboration, does not conclusively establish criminal culpability.

10. In view of the fact that the applicants are women, they are entitled to the special provided under section 480 of the BNSS, which permits the grant of bail regardless of the nature of the offence in certain circumstances. Considering that the investigation is ongoing and the trial is likely to take time, their continued detention would amount to pre-trial punishment.

11. Hence, the following order :-

ORDER

- (I) Bail Applications No. 182 of 2026, 189 of 2026 and 91 of 2026 are **allowed**.
- (II) Bail Applications No. 185 of 2026 is dismissed as **withdrawn**, with liberty to approach concerned Court part filing of the charge-sheet.

Bail Applications No. 91 of 2026 is dismissed as '**not pressed**' as against applicant No. 2 with liberty to approach concerned Court after filing of the charge-sheet.

(III) Applicants – **Sarojani Wirbabu Bathula, Durga Lajar Challa** and **Priyanka Maniknath Uppu** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 01 of 2026 registered with Shirdi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 310(4) of the Bharatiya Nyaya Sanhita, 2023, 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.

The applicants shall not leave the jurisdiction of concerned Police Station till conclusion of the trial.

- (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicants would entail the cancellation of the bail.
- (IV) 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.

(SACHIN S. DESHMUKH, J.)