



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

BAIL APPLICATION NO. 394 OF 2026

BHARTI RAVINDRA DUBE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Senior Advocate for Applicant : Mr. Rajendrraa Deshmukh a/w.
Mr. Harshal Nandre i/b. Mr. Ubaid S. Hashmi
APP for Respondents : Mr. S. D. Ghayal

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WITH CRIMINAL APPLICATION NO. 1191 OF 2026 IN BA/394/2026

RAHUL PUNDALIK AUTADE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D. S. Kale

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 11-06-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.720 of 2025 dated 17.08.2025 registered with Shevgaon Police Station, Taluka Shevgaon, District Ahilyanagar, for the offences punishable under Sections 103(1), 3(5) and 238 of the *Bhartiya Nyaya Sanhita*, 2023. In the said crime, the arrest has been effected on 18.08.2025. After completion of the investigation, the chargesheet is filed on 15.11.2025.

2. The prosecution case is that the deceased, Sachin, and the present applicant were in a physical relationship. Frequent disputes arose between them due to the applicant's physical

relationships with other individuals. Owing to which, the applicant acting in connivance with other co-accused persons, committed the murder of the deceased inside her residence and subsequently descreened the evidence. Hence, the report.

3. The learned counsel for the applicant submits that the allegations in the FIR fail to establish a *prima facie* case against the applicant and no incriminating material has been recovered from her possession. Furthermore, the applicant is entitled to release on the ground of parity, as co-accused No. 3, Afroz Khan has already been granted bail by the Sessions Court. Given that the investigation is complete and the chargesheet has been filed, the applicant's further incarceration is entirely unwarranted. Hence, prayed to allow the application.

4. The learned A.P.P. vehemently opposed the application, submitting that the prosecution has collected overwhelming incriminating material establishing that the applicant and the deceased were last seen together immediately prior to the incident. Furthermore, the applicant subsequently pointed out the specific spot where the murder was committed in collusion with the co-accused persons. Considering the active involvement and the gravity of the offence, the applicant is disentitled to the relief of bail. Hence, prayed to reject the application.

5. Upon considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, it indicates that under the proviso to Section 437(1) of the CrPC (and the corresponding Section 480 of the BNSS), the Court is vested with the discretion to grant bail to a woman, even in cases involving offences punishable by death or life imprisonment. This special provision recognizes the unique social and domestic position of female applicants.

6. The prosecution's case rests predominantly on circumstantial evidence and the theory of last seen together. Pertinently, *prima facie*, in absence of chain of seamless incriminating material as against the applicant, as such, request of admitting the applicant to bail deserves consideration.

7. The learned A.P.P.'s contentions regarding the "last seen together" circumstance and the applicant pointing out the crime scene are matters of circumstantial evidence that must be strictly tested during the trial.

8. Admittedly, accused No.3, who faces similar allegations, has already been enlarged on bail by the Sessions Court. Applying the well-settled principles of parity, the present applicant is equally entitled to the same relief.

9. The investigation is now complete and the chargesheet has been filed, significantly reducing the risk of tampering with evidence. Considering that the applicant is a woman with no criminal antecedents and has been in custody for a sufficient period, further incarceration of the applicant would serve no purpose. The apprehension expressed by the learned APP regarding the tampering of witnesses can be adequately taken care by imposing strict conditions.

10. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the applicant 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 discretion in favour of applicant.

11. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Bharti Ravindra Dube, be released on bail, upon 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.720 of 2025 dated 17.08.2025 registered with Shevgaon Police Station, Taluka Shevgaon, District Ahilyanagar, for the offences punishable under Sections 103(1), 3(5) and 238 of the *Bhartiya 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 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 the concerned Court seeking cancellation of bail.
- (iii) Needless to state 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, if any, also stands disposed of.

[SACHIN S. DESHMUKH]
JUDGE