

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 232 OF 2026

ASHWINI UMESH SHIRKE
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Ramnik Pawar i/b Mr. S. V.
Mahamulkar a/w Mr. Parvej Nadaf, Mr. Amit Waykool, Mr. Raturaj
Patil, Mr. Rahul Gupra
APP for Respondents-State : Dr. Ms. Ashvini A. Takalkar

CORAM : SACHIN S. DESHMUKH, J.
Date : 1st April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 27.07.2025 bearing Crime No. 318 of 2025 registered with Umbraj Police Station, Dist. Satara for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Informant, a Police Constable at Umbraj Police Station, reports that while on Dial 112 duty on 26.07.2025, he received a distress call regarding a suspected homicide at Sawarwadi. Upon reaching the scene with police staff, discovered 45-year-old Ramesh Kondiba Kharat unconscious with visible injuries to his

limbs. Initial inquiries with the deceased's father, Kondiba, and son, Harish, revealed that Ramesh was an alcoholic who frequently harassed and physically abused his wife, Lakshmi, and daughter, Ashwini.

3. The investigation disclosed that on the night of 25.07.2025, Ramesh assaulted Lakshmi and Ashwini over a trivial dispute regarding a meal. Consequently, on 26.07.2025 approximately at 08:30 am, the situation escalated during another confrontation. Fed up with the habitual domestic violence, accused Harish conspired and severely assaulted Ramesh using a wooden stick and their hands. Despite deceased falling unconscious by 01:00 pm that day, the family provided no medical assistance, leaving him in the house until police intervention the following morning.

4. On 27.07.2025, the injured was shifted via ambulance to Cottage Hospital, Karad, where he was declared dead. An inquest and post-mortem conducted by PSI confirmed the cause of death as internal bleeding resulting from multiple blunt force injuries. Based on these findings, a complaint has been lodged against accused family members under Sections 103(1) and 3(5) of

the Bharatiya Nyaya Sanhita for the targeted killing of Ramesh Kharat.

5. The learned counsel for the applicant submits that the prosecution's case indicates that the primary conflict was between the deceased, Ramesh Kharat, and his wife and son. Ashwini is a married daughter residing separately in Nagthane; her presence at the parental home was incidental. The allegations indicate the incident was a sudden reaction to years of grave and sudden provocation caused by the deceased's habitual alcoholism and domestic violence. There was no premeditated intent to kill.

6. The learned counsel further submits that the applicant is a woman and is entitled to the benefit of the proviso to Section 480(1) of the BNSS. The investigation is complete and the charge-sheet has already been filed, there is no risk of the applicant tampering with evidence. Hence, it is prayed that the application be allowed.

7. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. Furthermore, the APP argued that if the applicant is released on

bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

8. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, the deceased Ramesh Kharat was a habitual alcoholic who physically assaulted the accused and her mother on 25.07.2025. The fatal incident on 26.07.2025 appears to be a spontaneous escalation of domestic violence rather than a premeditated murder.

9. The record indicates that Ashwini is a married daughter residing separately from the primary household. The presence of applicant at the scene was incidental to visiting parental home. Unlike the co-accused (the wife and son who lived with the deceased), the applicant's involvement appears secondary and influenced by the immediate need to protect her mother from ongoing physical abuse.

10. Under the proviso to Section 480(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the legislature provides a distinct benefit to women in matters of bail. Considering that applicant is a 24-year-old woman, the Court exercises its judicial discretion to

lean towards release, as there are no extraordinary circumstances indicating a habitual offender.

11. Nevertheless, the investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant has been effected on 31.08.2025 and since then, he is in jail.

12. As such, further detention 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 the discretion in favour of the applicant. The apprehension expressed by the learned APP 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) Applicant – Ashwini Umesh Shinde 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. 318 of 2025 registered with Umbraj Police Station, Dist. Satara for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant 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 applicant would entail the cancellation of the bail.
- (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.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi