

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4847 OF 2025

Rajshree Bharat Ahire ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr. Vinay Bhanushali, *with Pujan Patel and Sanmit Vaze, for the Applicant.*

Ms. Anuja Sunil Gotad, *APP for the State-Respondent.*

CORAM DR. NEELA GOKHALE, J.

DATED: 07th JANUARY 2026

PC:-

1. The Applicant seeks her release on bail in connection with FIR No.0125 of 2025 dated 30th July 2025 registered with the Aarey Sub Police Station, Brihanmumbai City for the offences punishable under Sections 117(2), 351(2), 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'). Thereafter, since the injured Victim (now deceased) succumbed to his injuries, Section 103 of BNS was added.

2. The case of the prosecution, in brief, is that the First Informant, i.e., Bharat Ahire was married to the Applicant. On 15th July 2025 at around 9.00 p.m., when Bharat Ahire was at home with his wife, i.e., the Applicant herein, she complained

to him that two persons are harassing her on her mobile phone. She also complained that the said two persons, namely, Chandrashekhar Padyachi and Ranga kept calling her on her mobile phone and despite her refusal to speak to them, they continued to harass her. Thus, the deceased called on that number. The said Chandrashekhar answered the phone call and called the deceased and the Applicant outside their house near bathroom of Unit 31 in the same locality. The deceased and his wife went there to meet Chandrashekhar and Ranga. At that point of time, both Chandrashekhar and Ranga started abusing the deceased and beat him with their hands on his chest and stomach. He fell down and ultimately, succumbed to his injuries in a hospital. The complaint was lodged while the deceased was alive and was under treatment in DNA Superspeciality Hospital. The statement in the FIR is recorded while the deceased was in injured condition and was in the hospital. Thereafter, the First Informant died and the Applicant was arrested on 6th August 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Sessions Court, Borivali Division, Dindoshi. However, by order dated 9th December 2025, her bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. At the very outset, Mr. Vinay Bhanushali, learned counsel appearing for the Applicant, submitted that the main accused, i.e, Chandrashekhar Padyachi himself, who is alleged to have physically beaten the deceased, is enlarged on bail by the Sessions Court, Borivali Division, Dindoshi, Mumbai by order dated 24th December 2025. He also submits that the deceased himself, while he was under medical treatment, gave the statement on the basis of which FIR was registered, does not implicate the Applicant. Even the FIR does not name the Applicant. In fact, the story narrated by the injured Victim (now deceased), clearly indicates that Chandrashekhar and Ranga have beaten him, leading to his death. He thus, submits that the main accused Chandrashekhar Padyachi himself is

released on bail and since the degree of role of the Applicant is lesser than that of the said Chandrashekhar, the Applicant deserves to be enlarged on bail.

5. Ms. Anuja Gotad, learned APP representing the State in the matter, has brought to my notice, the statement recorded of the 12 year old daughter of the Applicant and the deceased before the Police. The daughter has deposed a completely different story. She has stated that the Applicant was in a relationship with the said Chandrashekhar and there was a quarrel between the deceased and the Applicant on that ground. She submits that the daughter has also stated that her mother was speaking to the said Chandrashekhar that the deceased was harassing her and he should take a call as to whether he should do away with him or not. Thus, Ms. Gotad submits that daughter's version must be believed and considering the same, there is no question of any false implication of the Applicant in the present offence. She thus, submits that the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Injured Victim (now deceased) has narrated in detail the alleged incident. He has not named the Applicant in his statement at all. Furthermore, the main accused, i.e., Chandrashekhar Padyachi is already released on bail as stated above. Considering that the role of the Applicant is much of lesser degree than that of Chandrashekhar, who has physically abused the deceased directly leading to his death, I am inclined to enlarge the Applicant on bail. Moreover, the Applicant is a woman with 2 minor children, who are left without any family member to take care of them. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after her release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)