

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4869 OF 2025**

Suvarna Sudhir Kumbhare ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Kuldeep Patil, *with Anay Joshi, Sumitkumar Nimbalkar,
Digvijay Kachare, i/b Saili Dhuru, for the Applicant.*
Ms. Anuja Sunil Gotad, *APP for the State-Respondent.*
Mr. Bhoir, *PSI attached to Dahanu Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 08th JANUARY 2026

PC:-

1. The Applicant seeks her release on bail in connection with the C.R.No.0051 of 2025 dated 17th April 2025 registered with the Dahanu Police Station, Palghar for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The story of the prosecution as narrated by the sister of the deceased is that, her brother was married to one Yogita. In 2008, he got separated from her since there was marital

discord between them. Thereafter, the deceased married the Applicant. They have a daughter named, Drishti, who is 13 years of age, as on date. It is also narrated that the Applicant was abused, physically and mentally by the deceased. He was addicted to alcohol and always used to suspect Applicant's character and on that ground, used to beat her. The prosecution case is that on 27th March 2025 at about 3.00 a.m., the Complainant received a message on her mobile phone that the deceased had fainted and was unresponsive. They rushed to his house and admitted him in a hospital. However, he could not be revived and he died. The initial observations of the Doctors as recorded in the certificate issued by the Medical Officer, Sub District Government Hospital at Dahanu, were that the death was caused due to cardio respiratory arrest in a situation of alcoholic liver disease. Thereafter, the Complainant, on 17th April 2025, received notes of the Post-mortem, summary of which indicated that there were facial and perioral injuries, injuries over neck and upper part of chest, pulmonary edema, froth at

nose and all these injuries are suggestive of death due to asphyxia probably due to smothering or throttling. Hence, the First Informant made the complaint, pursuant to which, the FIR was registered. Accordingly, the police arrested the Applicant; her 14 year old minor daughter and another accused, who is stated to be paramour of the Applicant.

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

4. Mr. Kuldeep Patil, learned counsel appearing for the Applicant, at the very outset, states that the Applicant was in the family way at the time of her arrest and only 2 months ago, she has delivered a baby girl in the jail hospital. On this ground alone, on a humanitarian basis, the Applicant be released on bail. Further, Mr. Patil, submits that apart from the allegations of the Complainant, who was not even present at

the time of incident, there is no other material to indicate that the death of the deceased was caused by throttling by the Applicant or her 14 year old daughter and another co-accused, who is stated to be paramour of the Applicant. Hence, Mr. Patil prays that the Applicant be released on bail.

5. *Per contra*, Ms. Anuja Gotad, learned APP representing the State in the matter, submits that this is an offence under Section 103 of the BNS, which is a serious offence and the maximum punishment prescribed for the said offence is that of death penalty. The Applicant is in custody since April 2025, which does not reflect 'long incarceration'. In these circumstances, Ms. Gotad submits that the Bail Application be rejected.

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

7. Admittedly, there is no material on record to indicate presence of the 3rd Accused, as alleged by the deceased's sister

to be the Applicant's paramour, in the deceased's house. There is no material to establish, even if the Post-mortem Report is taken to be the gospel truth, that it was the Applicant who throttled the deceased. Admittedly, there are no antecedents against the Applicant. Considering that the Applicant is in custody since 18th April 2025 and has already suffered incarceration for about 8-9 months and she has delivered a baby just 2 months ago in the Jail Hospital, I am inclined to enlarge the Applicant on bail. Hence, it is ordered as under:-

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of

Rs.25,000/- 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 her 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 her 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)

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