

MHJN010013392026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA

CRIMINAL BAIL APPLICATION No.503 OF 2026

Mamta w/o Rahul Salve
and another

... Applicants/accused

V/s.

The State of Maharashtra

...Respondent/Prosecution

Appearance :

Shri.A.B.Ghule-Patil, the learned Counsel for the applicants

Shri. B.V.Ingle, the learned In-charge D.G.P for the State

Shri.Sayyed Shariq, the learned Counsel for the intervener/informant

ORDER BELOW EXH.1

(Delivered on : 13.08.2026)

The applicants/accused have preferred this bail application under the provisions of section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the “BNSS” for the sake of brevity), seeking bail in Crime No.191/2026 registered with Taluka Jalna police station under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS” for the sake of brevity).

02. As per the applicants/accused, the informant Meenabai w/o Kailas Pawar lodged complaint on 19.04.2026 contending that,

she lived with her husband, deceased Kailash Pawar, and their four children. Around 15 years earlier, deceased Kailash had come in contact with applicant/accused No.1 Mamta, resident of Motibag, who had been abandoned by her husband. According to the informant, their acquaintance developed into an illicit relationship, while daughter of applicant/accused No.1 namely Sakshi was in a relationship with co-accused Vicky Mandole. On 16th of April 2026, deceased Kailas had told his family that co-accused Vicky and Shubham Salve had threatened to kill him.

03. On 17th April 2026, deceased Kailas left home stating that he was going at the house of applicant/accused No.1, but he never returned. His mobile phone was switched off, and the family assumed he was staying with applicant/accused No.1. On 19 April 2026, Taluka Jalna Police informed them that dead-body of Kailas had been found near the afforestation on Daregaon Road. The informant alleged that both the applicants/accused along with co-accused Vicky and Shubham murdered Kailas over disputes arising from the alleged relationship, disposed of his body and motorcycle of the deceased Kailas. Hence, the complaint was filed.

04. As per the applicants/accused, they are falsely implicated in the offence. They were arrested on 21.05.2026 and since 25.05.2026, they are in Judicial custody. They have not committed any offence. After their arrest, nothing was recovered from them. There are no eye-witnesses to the incident showing involvement of the applicants/accused. While dealing with the serious charges like murder, there must be more substantial evidence than merely flimsy

and fabricated stories concocted by the investigating team. There are no criminal antecedents of the applicants/accused. The applicants/accused are ready to abide with terms and conditions of bail, if imposed on them.

05. The prosecution resisted the bail application by filing say at Exh.06. It is contended that the offence is serious in nature. It is further contended that, both the applicants/accused along with co-accused are prima-facie involved in this serious offence and they have committed brutal murder of the deceased by using piece of liquor bottle. Co-accused Shubham is still absconding. All accused persons have destroyed evidence regarding clothes. The prosecution apprehends that in case the applicants/accused are released on bail, they will tamper the evidence and threaten the witnesses. Hence, the application is sought to be rejected.

06. The informant resisted the bail application by filing say vide Exh.16. She reiterated all the contents of the complaint. She further contended that though the applicants/accused have denied criminal antecedents against them, but in fact, crime No.154 of 2021 is registered at police station Chandanzira, in which, charge-sheet is already filed by the police and the same is having Sessions Case No.282 of 2021. Applicant/accused No.1 is doing illegal business of brewing illicit liquor and criminal cases i.e. SCC No.1582/2025, SCC No.845/2021 and SCC No.4711/2024 are pending against her. Before the incident and after the incident, all the applicants/accused and co-accused have threatened the informant and her relatives to take back the complaint. The investigation is in progress. Hence, the application

is sought to be rejected.

07. Heard learned Counsel Shri.A.B.Ghule-Patil for the applicants/accused, the learned In-charge D.G.P. Shri.B.V.Ingle for the State and Shri.Sayyed Shariq the learned Counsel for the intervener. Perused the copy of FIR and papers submitted by the prosecution.

08. The learned advocate for the applicants/accused submitted that the investigation is now completed and charge-sheet is filed. There is no recovery from the applicants/accused. The trial will take time to commence and therefore the applicants/accused are entitled to be released on bail.

09. The learned Prosecutor submitted that the circumstances in which the deceased was murdered and the nature of injuries caused to him reveals the brutality. The motive for the offence can be gathered from the statements of the witnesses.

10. The learned advocate for the informant vehemently submitted that there is prima-facie evidence disclosing the involvement of the applicants/accused in the offence. He further submitted that the directions laid down in the case of **Zeba Khan Vs. State of UP in 2026 SCC OnLine SC 188** are not complied with. The applicants failed to disclose their criminal antecedents. In case, they are released on bail, they will threaten the witnesses and tamper the evidence.

11. The learned advocate for the applicants/accused relied on the following cases:-

- 1) **Shivaji Dhanraj Mane Vs. State of Maharashtra [2025 Supreme(OnLine)(Bom)4747]**, in which, the Hon'ble Bombay High court granted bail to those with lesser involvement as compare to others, who presented more significant role in the crime.
- 2) **Yadu Ram Sahu and Anr. Vs. State of C.G. [M.Cr.C. No.1958 of 2008, D/d.2.12.2008.]**, in which, bail was granted in offence punishable u/s 302 and 304 of IPC as there was no other evidence except the evidence of recovery of Dandas at the instance of the applicants.
- 3) **Ritesh Vilas Maru Vs. State of Maharashtra [Supreme(OnLine)(Bom)951]**, in which, the Court held the ineffective ness of identification due to environmental factors and absence of direct evidence.
- 4) **Gayatri D/o Anil Khurge Vs. State of Maharashtra [2023 AIIMR (Cri) 648]**, in which, the Court granted bail, based on lack of evidence and the fact that the accused is a woman and imposing conditions to prove tampering with evidence and threatening witnesses.
- 5) **Prabhakar Tewari Vs. State of U.P & Anr [2020 Criminal LR (SC) 472]**, in which, it was held that allegation of garve and serious offence and pendency of several

criminal cases against accused cannot be basis to refuse prayer of bail.

- 6) **Dattaram Singh Vs. State of Uttar Pradesh & Anr. [Criminal Appeal No.227 of 2018]**, in which, it was held that bail is entirely within descrtion of Judge hearing matter. Though discretion is unfettered it must be exercised judiciously and in humane manner and compationately. Conditions for grant of bail ought are not be so strict as to be incapable of compliance, thereby making grant of bail illusory.

12. Perused the copy of charge-sheet produced on record. Also perused the cited cases carefully. Admittedly since 25.05.2026, the applicants/accused are in judicial custody. The Hon'ble Apex Court in the case of **Zeba Khan Vs. State of UP in 2026 SCC OnLine SC 188** has laid down a six-head disclosure framework, requiring bail applicants to disclose criminal antecedents, custody details, trial status and coercive processes, supported by an affidavit. The applicants/accused have not submitted any disclosre of criminal antecedents. In the column of criminal antecedents in the bail application, "Nil" is mentioned.

13. The informant has relied on copies of FIR in crime No.154 of 2021 registered against applicant/accused No.1 and co-accused Shubham. The case status of SCC No.872 of 2025, SCC No.387 of 2021, SCC No.2643 of 2024 are filed. All these cases are registered against applicant/accused No.1. These documents reveal the criminal antecedents of the applicant/accused No.1.

14. The learned advocate for the applicants/accused has relied on the case of Prabhakar Tewari (cited supra), in which, the Hon'ble Apex court has held that pendency of several criminal cases cannot be basis of refusal of bail. However, in the recent case of Zeba Khan (cited supra), the Hon'ble Apex Court has made it obligatory for the applicants/accused to disclose comprehensive details regarding their criminal antecedents. This mandate includes a specific obligation to provide particulars for each antecedents mentioned.

15. In this case, the applicants/accused have committed a serious departure from these requirements by failing to provide such details. This non disclosure constitutes a suppression of material facts, which disentitles the applicants/accused from seeking the relief as sought (**Sachin Bhagwat Giri Vs. State of Maharashtra and Another [criminal Bail Application No.3476 of 2025 dated 23.04.2026 Bombay High Court]**). Hence, in view of it, this application deserves to be rejected. With this, I pass the following order: -

ORDER

1. Bail Application No.503 of 2026 is hereby rejected.
2. Authenticated copy of this order be sent to the accused through the Jailor.
3. A soft copy of this order be sent by e-mail to the prisoner through the Jail Superintendent, Jalna.
4. Bail Application No.503 of 2026 stands disposed off accordingly.

(Dictated and pronounced in open Court)

Date: 13.08.2026

(NAZERA S. SHAIKH)
Additional Sessions Judge-2
Jalna.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original.

Name of Stenographer : P.S.Tayade

Name of the Court : Court of Addl. Session Judge, Jalna

Date of PDF : 13.08.2026

Stenographer (Grade-I)