



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 96 OF 2026

Pallavi Sachin Kanse ..APPELLANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

AND CRIMINAL APPEAL NO. 82 OF 2026

Lata Dagdu Gaikwad ..APPELLANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. Y.G. Birajdar, Advocate h/f Mr. N.S. Shinde, Advocate for Appellant in
AEAL/96/2026

Mr. S.S. Jadhavar, Advocate h/f Mr. G.G. Gabhud, Advocate for Appellant in
APEAL/82/2026

Mr. V.V. Jahagirdar, A.PP for respondent no.1 - State

Mr. Angad Kanade, Advocate h/f Mr. A.S. Wakode, for Respondent No.2

....

CORAM : ABHAY J. MANTRI, J.

DATE : 22nd APRIL, 2026

PER COURT :

1. The Appellants, being dissatisfied with the order dated 28th January, 2026, passed by the learned Additional Sessions Judge, Latur, in Criminal Bail Application Nos. 32 of 2026 and 39 of 2026, whereby the applications for the grant of bail in connection with Crime No.4 of 2026 registered with MIDC Latur Police Station, Dist. Latur for the offences punishable under Sections 108, 115(2) r/w 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as '**BNS**') and under Section 3(2) (va)

of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as '*SC & ST Act*'), was rejected, have filed these Appeals.

2. Heard learned counsel for both parties. Perused the Appeal memos and annexures with them, as well as a copy of the charge-sheet produced before the Court.

3. At the outset, it appears that on 04th January 2026, at around 09:00 a.m., the deceased / victim had committed suicide in the hostel by hanging herself from the ceiling. Therefore, her father/informant lodged the complaint against both the Appellants. Based on said complaint, a crime was registered against the Appellants as stated above.

4. Pursuant to the registration of crime, both the Appellants were arrested on 06th January, 2026. Consequently, they had applied for a grant of regular bail. After considering the material before the Court, the learned Additional Sessions Judge, Latur, rejected both the applications. Being dissatisfied with the same, the Appellants have preferred these Appeals.

5. It is pertinent to note that during the pendency of the Appeals, the investigation into the crime has been completed, and the police have filed the charge sheet before the learned Trial Court on 24th March 2026 and also added Section 107 of BNS at the time of filing the charge sheet.

6. Learned counsel for the Appellants vehemently contended that there are no specific allegations against them about abetting the deceased / victim to commit suicide. Still, the allegation against Appellant Pallavi is only that she has scolded and beaten the deceased. Similarly, it is alleged that the deceased was being tortured and beaten, and therefore, she has committed suicide.

7. Learned counsel has taken me through the F.I.R. as well as drawn my attention to Column No.17 of the Post-mortem report and submitted that, except for the injury to the neck, no other injuries were found on the dead body of the deceased, and therefore, submitted that it does not appear that the Appellants have abetted the deceased to commit suicide. They also submitted that there are no criminal antecedents against the Appellants. They are permanent residents of Latur and Dharashiv districts, respectively. Hence, they urged that both the Appellants be released on bail.

8. As against this, learned A.P.P. and learned counsel for Respondent No.2 vehemently opposed the Appeals, contending that the offence is a serious one. Learned A.P.P. has taken me through the statement of witness - Ashlesha. He also canvassed that the Appellants have not moved an application for the grant of bail under Section 107 of the BNS and have only applied for the grant of bail under Section 108; therefore, the Appellants are not entitled to be released on bail. However, he fairly admitted that there is

no bar to considering the said section while considering the Appeals. He also propounded that if the Appellants are released on bail, then they may tamper with the prosecution evidence by pressurising minor girls by taking undue advantage of their position. Therefore, he urged the dismissal of the Appeals.

9. Similarly, learned counsel for Respondent No.2 took me through the statement of witness Disha Tiwari and submitted that all these witnesses are the eyewitnesses to the incident dated 03rd January, 2026. The witnesses have categorically stated that on 03rd January, 2026, Appellant – Pallavi gave slaps to the victim and also threatened her that if she would commit a similar act in future, then she would issue the Transfer Certificate to her. They also argued that due to the torture and being beaten by Appellant Pallavi, the deceased, under pressure, committed suicide. Therefore, Section 107 of the BNS was added in the crime, wherein punishment of death or imprisonment for life is stipulated. Learned Counsel also showed photographs of the victim committing suicide. Therefore, they urged to dismiss the Appeals.

10. On perusal of the charge-sheet, prima facie it appears that on 03rd January, 2026, some incident had occurred, wherein the deceased had admitted that she had drawn a love sign on the wall of the bathroom and mentioned the names of some girls in it and on that ground, Appellant – Pallavi punished her. It is also alleged that she has tortured and beaten the deceased for the said act, and therefore, the deceased has committed suicide.

However, on perusal of the F.I.R. as well as the statement of witnesses, prima facie, it does not appear that the Appellants have abetted the deceased to commit suicide or instigated her to do any act/thing. Still, it only shows that the deceased did something wrong. Therefore, she was punished by Appellant Pallavi. So, prima facie, it cannot be said that the victim was tortured and beaten. That does not mean that Appellant – Pallavi has instigated or abated the victim to commit suicide.

11. Moreover, it appears from the statement dated 28th January, 2026, of witness Snehal, who in her statement stated that earlier, also on 26th December, 2025, the victim / deceased had committed theft of some food items. At that time, the Appellant also called her mother, who returned the food items to the respective students. The incident dated 03rd January, 2026, is the second incident; therefore, the Appellants might have punished her for it. As per the statement of Snehal, it prima facie reveals that the mother of the victim herself instructed the Appellants to scold her if she would commit an act with an intention to harm someone else in future.

12. Apart from the above, it appears that the investigation has been completed and the charge sheet has been filed in the Court. Besides, both the Appellants are permanent residents of the Latur and Dharashiv districts, respectively, and are serving with Jawahar Navodayz Vidyalaya, Latur. Therefore, in my view, it would not be proper to detain the Appellants behind

bars for an indefinite period. However, to dispel the prosecution's apprehension, stringent conditions can be imposed on them while releasing them on bail.

13. Consequently, both the *Criminal Appeals are allowed as prayed.*

14. The Appellants - Pallavi Sachin Kanse and Lata Dagdu Gaikwad are hereby released on bail in connection with Crime No.4 of 2026 registered with MIDC Latur Police Station, Dist. Latur for the offences punishable under Sections 107, 108, 115(2) r/w 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3(2) (va) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.B. & S.B. of Rs.1,00,000/- (Rupees One Lakh) each with one or two solvent sureties in the like amount on the following conditions:-

- (i) The Appellants shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.
- (ii) The Appellants shall not enter into the hostel premises of Jawahar Navodaya Vidyalaya, Latur, till the conclusion of the trial.
- (iii) The Appellants shall not leave India without prior permission of the Court.

15. Both the Appeals are disposed of.

(ABHAY J. MANTRI, J.)