



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1852 OF 2025

OM GULAB SHINGARE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jadhav Hanumant P.
(Appointed)

APP for Respondent/State : Mr. V. M. Kagne

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.267/2025 registered with the Pundlik Nagar Police Station, Aurangabad for the offences punishable under Sections 109(1), 118(1), 352 and 351(3) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that one Santosh Kaduba Aarak lodged report informing that accused had raised quarrel on 30.04.2025, on the count of partition and on that day he had injured the informant by assaulting him with hammer. Thereafter, when informant lodged report, the accused was threatening him that if he would not withdraw the case, he would kill the informant. On

17.06.2025, at about 09:00 p.m., when informant was standing with his friend near Boudha Vihar, the accused came there and on the count that informant did not withdraw his earlier case, gave two blows of iron instrument in his head and ran away.

3. The learned appointed Counsel Mr. Jadhav for the Applicant submits that the allegations are made only with an intention to falsely implicate the present Applicant in the crime and to create a criminal record, as there are disputes regarding the residence of the Applicant and the complainant. It is further submitted that the earlier incident was also reported by the complainant without there being any assault at the behest of the Applicant.

. He further submits that as the investigation is complete and the charge-sheet has already been filed, there is hardly any scope for the Applicant to tamper with the evidence or influence the witnesses. It is the submission of Mr. Jadhav appointed Counsel that the Applicant being an 18 years old boy, is unnecessarily dragged into the crimes and his criminal record is created. He further submits that the Applicant is ready to abide by any conditions that may be imposed by this Court.

4. As against this, the learned APP submits that there is ample evidence to show that the Applicant is of a criminal tendency and assaulted the vital part of the complainant's body. The injury sustained by the complainant is also grievous in nature and an offence under Section 109 BNS, is clearly made out against the

Applicant. It is his submission that an earlier offence, being Crime No. 177/2025, was also registered by the complainant against the same Applicant, wherein the Applicant had allegedly assaulted the complainant with a dangerous weapon. He therefore submits that there is likelihood that the Applicant if released on bail, may again commit offence of like nature and the offence is punishable with life imprisonment. Hence the Applicant may not be released on bail.

5. I have considered the charge-sheet made available by the learned APP, as filed during the pendency of the present application. A perusal of the charge-sheet shows that, apart from the statement of the complainant, there are no other statements which corroborate the allegation. The injury sustained by the complainant appears to be a grievous injury; however, the remarks column of the injury report records that the complainant, Santosh, was discharged on the very same day from the Government Medical College and Hospital, Aurangabad. These are prima facie observations which are made only for deciding the present application. The investigation is complete and charge-sheet has been filed, no fruitful purpose would be served by keeping the Applicant behind the bars. The apprehension of the learned APP can be taken care of by imposing certain conditions.

. Looking to the nature of the allegations and the age of the Applicant, I am inclined to release the Applicant on regular bail, subject to the following stringent conditions. Hence, the following order :

ORDER

- (a) The Bail Application is allowed.
- (b) The Applicant – Om Gulab Shingare, be released on bail on furnishing P.B. of Rs.25,000/- (Rupees Twenty Five Thousands) with two solvent sureties of the like amount, in connection with Crime No.267/2025 registered with the Pundlik Nagar Police Station, Aurangabad for the offences punishable under Sections 109(1), 118(1), 352 and 351(3) of Bharatiya Nyaya Sanhita, 2023, on the following conditions:
- (i) The Applicant shall attend the concerned police station on every Saturday between 11:00 am. to 02:00 pm., till framing of the charge.
 - (ii) The Applicant shall not enter the jurisdiction of Pundlik Nagar Police Station, Aurangabad till the framing of the charge, except for attendance to police station.
 - (iii) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.
 - (iv) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (v) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
 - (vi) A single complaint of violating the conditions, may entitle the prosecution to seek cancellation of bail.

(vii) Fees of the learned appointed Counsel for Applicant is quantified as Rs.10,000/- to be paid by the Sub-Committee of the High Court Legal Aid Committee.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NATJEB..