



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 1035 OF 2025

SANTOSH RAMA KAPSE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Bhagure Pralhad Chagan

APP for Respondent/State : Mr. P.P. Dawalkar

...

WITH

BAIL APPLICATION NO. 1034 OF 2025

SHYAM @ SHRIKANT SHASHIKANT KAPSE AND ORS.

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Bhagure Pralhad Chagan

APP for Respondent/State : Mr. P.P. Dawalkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27/06/2025

P.C. :

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State in both applications.
2. The applicants are seeking bail as they were arrested in connection with Crime No. 140/2025 dated 29.4.2025 registered with Chaklamba Police Station, Tq. Georai, District Beed for the offences punishable under sections 118(2), 118(1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190 of B.N.S. and section 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.
3. Prosecution case against the applicants is that on 29.4.2025 applicants have brought one patient to the private hospital. When the

informant asked them to wait for five minutes, the present applicants and other co-accused have assaulted the informant by means of iron rod, stick, fist and leg blows and seriously injured the informant and damaged the furniture and glass of the hospital. Therefore, crime is registered against the present applicants and other co-accused for aforesaid offences.

4. The injured was admitted in hospital on 29.4.2025 and the injury certificate issued by the private hospital shows that the injured has suffered blunt trauma over upper back region measuring of 4 x 2 cm. Probable cause of injury is mentioned as hard and blunt object and it is opined that injury is grievous and dangerous to the life and MRI scan was suggested for above spine injury.

5. The learned APP was also asked to produce the injury certificate issued by the Government hospital. The learned APP has produced the injury certificate issued by the Government hospital of the injured which shows that one injury is caused to the informant on his back portion. It is stated that laminectomy surgery is performed on the injured.

6. The learned counsel for the applicant submits that bail application of the present applicants is rejected by the learned Sessions Court on 21.5.2025. Thereafter, bail is granted to some other co-accused in this crime on 18.6.2025 by the learned Sessions Court. The applicants are in custody from 29.4.2025. The learned counsel submits that investigation in the matter is almost completed, recovery is made at the instance of the applicants. The learned counsel therefore prays to release the applicants on regular bail.

7. On perusal of the F.I.R. it is seen that 10 to 12 persons have assaulted the informant on his back and waist by means of iron rod and

stick. However, there is only one injury caused. As such, it is not known who has caused that injury. The incident occurred in night time. Considering the above and as the investigation is almost completed and recovery is made at the instance of the applicants and the applicants are behind bars from 29.4.2025, no purpose would be served by keeping the applicants behind bars till the conclusion of the trial. Therefore, I hold that further detention of the applicants is not required.

8. In view of the above, both the applications are allowed in the following terms :

a] The applicants shall be released on bail in connection with Crime No. 140/2025 dated 29.4.2025 registered with Chaklamba Police Station, Tq. Georai, District Beed for the offences punishable under sections 118(2), 118(1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190 of B.N.S. and section 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010, on furnishing PR bond of Rs.20,000/-, each, with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicants shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicants shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and

other persons concerned with the case.

f] The applicants, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicants shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

SSC/