IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 BAIL APPLICATION NO. 2095 OF 2026

Sachin Milind Kale ….Applicant

Versus

The State of Maharashtra …..Respondent

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Shri. Ojas Arunrao Deshpande a/w. Yogeshwar V. Gandhe, Advocate for Applicant
Shri. S. V. Hange, APP for Respondent – State.

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 04.11.2026

PER COURT :

. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The present Applicant is seeking regular bail in connection with his arrest in Crime No.290/2026, registered with Majalgaon City Police Station, Dist. Beed for the offences punishable under Sections 118(2), 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

3. The allegation against the Applicant is that, he assaulted the Informant with a brick. Upon perusal of the FIR and the Injury Report, it appears that, the Informant has sustained two injuries on his head, admeasuring 6X2 cm and 3x1 cm, respectively. As per the Injury Report, both injuries are simple in nature.

4. The learned Advocate for the Applicant submits that, the offence

registered against the present Applicant is punishable with imprisonment extending up to 10 years. However, considering the nature of the injuries sustained by the Informant and the role attributed to the present Applicant, even if the Applicant is convicted after trial, the sentence is not likely to exceed seven years. He further submits that, the Applicant was arrested on 05.09.2026 and has been in custody since then. He submits that, the investigation is in progress, however the investigation pertaining to the Applicant is completed and the Charge-sheet has already been filed. Therefore, the custodial interrogation of the Applicant is no longer required. The Applicant is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays to allow the Application.

5. The learned APP for the State opposes the Application and submits that the allegations against the present Applicant are specific in nature and that the injuries were allegedly caused due to the assault inflicted by the Applicant using a brick. He further submits that, the period of custody undergone by the Applicant is not sufficient, having regard to the nature and gravity of the offence. He, therefore, prays for rejection of the Application.

6. I have heard the learned Advocate for the Applicant and the learned APP for the State. I have also perused the prosecution papers.

7. Though the learned APP has opposed the Application on the

ground that the allegations against the Applicant are specific, it is not in dispute that the investigation pertaining to the present Applicant is complete and the Charge-sheet has already been filed. Therefore, further custodial interrogation of the Applicant is no longer required. The brick allegedly used in the commission of the offence has already been recovered. Further, the Injury Certificate indicates that the injuries sustained by the Informant are simple in nature. Whether the offence under Section 118 (2) of BNS is attracted or not is a matter to be considered at the time of trial. However, taking into consideration the nature of the injuries, the role attributed to the Applicant, completion of the investigation and the fact that the Applicant has been in custody since 05.09.2026, I am inclined to allow the present application. Hence, the following order:

ORDER

(i) The Bail Application is allowed.

(ii) The Applicant, namely, Sachin Milind Kale shall be released on bail in Crime No.290/2026, registered with Majalgaon City Police Station, Dist. Beed for the offences punishable under Sections 118(2), 352 of the BNS, on furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount, subject to the following conditions :

a) The Applicant shall report to the Investigating Officer on the first Monday of every month and whenever required until the Charge-sheet is filed, and thereafter, as and when required.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not leave Maharashtra State without prior permission of the trial Court and, if he possesses passport, shall deposit the same with the trial Court within seven days of his release.

e) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

g) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it. The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

GGP