



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

BAIL APPLICATION NO. 2534 OF 2025

(1) LAKHAN KAMLESH PARDESHI
(2) SWAPNIL BAPU KAPSE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Patil Vijay Bhalerao and
Mr. Sagar S. Chitre
APP for Respondent : Ms. P. V. Diggikar
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 10-02-2026

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.483 of 2025 dated 03.07.2025 registered with MIDC Police Station, Jalgaon, for the offences punishable under Sections 109, 352, 3(5) of the *Bharatiya Nyaya Sanhita, 2023*. In the said crime, applicant No.2 was arrested.

2. The prosecution case is that the informant was residing with her sister near Icchadevi Mandir, Jalgaon, while recovering from a prior accident. On 02.07.2025, the applicants approached the informant and requested her company to cut a friend's birthday cake. During the encounter, Applicant No. 1 (Lakhan) confronted the informant regarding an alleged verbal altercation from the previous day. The situation escalated when applicant No. 2 Swapnil

reportedly restrained the informant, allowing applicant No.1 to assault her with a sharp-edged object. The attack, allegedly carried out with intent to kill, targeted her stomach, neck, back, and arms. Bystanders intervened to rescue the informant, and both applicants fled the scene. Based on these events, the formal report was lodged.

3. The learned counsel for the applicant submits that applicant No.2 has been falsely implicated without premeditated intent to kill, as the incident was a spontaneous reaction to verbal abuse rather than a planned attack. It is submitted that the prosecution's case is weakened by an unexplained delay in lodging the FIR, the belated recording of "planted" and stereotypic witness statements, and medical evidence that fundamentally contradicts the informant's oral testimony. Given that the investigation is complete, the chargesheet is filed, the informant has been discharged, and the applicant has no criminal antecedents, further incarceration is unjustified.

4. The learned A.P.P. strongly opposed the application, contending that the nature of the offence is grave and serious. It is submitted that the applicant targeted vital parts of the injured, an act corroborated by the statements of eyewitnesses present at the scene. Furthermore, the prosecution relies on the recovery of two knives seized at the instance of the accused, which directly links

them to the alleged crime. Hence, there is sufficient evidence against the applicants.

5. After hearing the learned counsel for the applicants at length, when this Court was not inclined to consider the bail application to the extent of applicant No.1, Lakhan Kamlesh Pardeshi, the learned counsel for the applicant, on instructions, seeks leave to withdraw the application of the applicant No.1. Leave granted.

6. Upon further considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, indicates that the investigation is complete and the injured has already been discharged from the hospital. While the prosecution alleges a serious offence, the role attributed to Applicant No. 2 is significantly distinct from that of Applicant No. 1. The record *prima facie* indicates that the overt act of assaulting the informant with a sharp-edged object is primarily directed against Applicant No. 1, whereas the role of Applicant No. 2 is limited to allegedly holding the informant.

7. Furthermore, no recovery is pending from applicant No.2 and the medical evidence requires detailed scrutiny during the trial. Moreover, the role of applicant No. 2, *prima facie*, appears secondary and does not necessitate further custodial incarceration to secure his presence for the judicial process.

8. In view of the above and considering that the custodial interrogation of applicant No.2 is no longer required for any further recovery or discovery, the apprehension of the prosecution can be mitigated by imposing stringent conditions. As the veracity of the prosecution's case remains a matter of trial and the specific role attributed to this applicant does not justify further incarceration, the application deserves to be allowed in respect of applicant No.2 only.

9. Hence, the order:-

ORDER

- (i) The bail application of applicant No.1 stands dismissed as withdrawn.
- (ii) The bail application of applicant No.2 is allowed.
- (iii) Applicant No.2, Swapnil Bapu Kapse, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.483 of 2025 dated 03.07.2025 registered with MIDC Police Station, Jalgaon, for the offences punishable under Sections 109, 352, 3(5) of the *Bharatiya Nyaya Sanhita, 2023*, on the following conditions :-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit *Aadhar* and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iv) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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