



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 501 OF 2026

Nandu Laxman Borate
Age : 42 years, Occu. Labour,
R/o. Brahman Galli, Maliwada,
Ahilyanagar, Tal & Dist. Ahilyanagar

.. Applicant
(Orig. Accused No.2)

Versus
The State of Maharashtra,
Through Police Station Officer,
Topkhana Police Station,
Dist. Ahilyanagar

.. Respondent

WITH
CRIMINAL APPLICATION NO. 1177 OF 2026 IN BA/501/2026
(Omkar Ramesh Gholap V. Nandu Laxman Borate and another)

...
Advocate for applicant : Mr. Z.H. Farooqui h/f. Mr. Sanjay B. Dushing
APP for the respondent – State : Mr. G.O. Wattamwar
Advocate for applicant : Mr. N.B. Narwade (1177/2026)
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 20 APRIL 2026

PER COURT :

Criminal Application No. 1177 of 2026, seeking to assist
the PP, is allowed.

2. The applicant is seeking bail on medical ground of illness
of the spouse.

3. Learned counsel for the applicant has adverted my
attention to the illness which is reflected in the medical certificate
annexed to the application which was issued on 04.08.2025. It is
contended that immediate surgery is advised and unless the applicant

is released on bail for some period, the arrangement for surgery is not possible. It is submitted that there is nobody to look after the ailing wife. The children are minor and applicant already has lost his father.

4. Learned APP tenders on record the certificate issued on 15.04.2026 by the Medical Practitioner Dr. Nikhil Gandhi which suggests immediate surgery is not required and the conservative treatment has already been administered.

5. It is submitted that there are in all 19 offences registered against the applicant. Trial has commenced. The present application is second attempt of applicant for releasing on bail.

6. Additionally, Advocate Mr. Narwade assisting the learned APP would submit that applicant is history-sheeter and even while in the jail, complaints are received against him by the inmates. The letter dated 13.10.2025 addressed to Additional Sessions Judge, Ahmednagar by the Incharge Superintendent of Prison, is placed on record. The medical papers placed on record along with the application are stated to be an afterthought. It is specifically contended that applicant is affluent and is owner of two buildings. He is getting handsome rent. Besides that he has two brothers to look after the family and medical emergency.

7. Applicant is facing charges of serious offences under section 34, 120-B, 504, 307, 302 of the IPC and under section 4/25 of Arms Act and under section 135, 37(1)(3) of Maharashtra Police Act.

8. His application for bail on merits was considered on 10.09.2024 by this Court and it was required to be withdrawn. Thereafter, application at Exhibit – 100 was filed for temporary bail due to the illness and exigency for the treatment of the spouse. It was rejected on 29.11.2025 for want of any supportive document requiring urgent surgery.

9. Now the applicant is relying upon the certificate issued by Dr. Nikhil Gandhi on 04.08.2025 opining that she needs to undertake Anterior Cervical Discectomy and SOS fusion surgery and approximate expenses are also quoted in the certificate.

10. I have gone through the medical papers dated 05.08.2025 and certificate dated 24.02.2026 which would go to suggest surgery (SOS) and bedrest.

11. In pursuance of my earlier order, learned APP has taken instructions and placed on record certificate dated 15.04.2026 issued by same Medical Practitioner. It is stated that she is currently undergoing conservative management including medications, physiotherapy, and rest. She is reported to be not fit for strenuous physiotherapy activity and advised to avoid movements. It further

reveals that if the symptoms are not improved with conservative and interventional management treatment, she may be required to go for Anterior Cervical Discectomy as a definitive surgical treatment. There is nothing on record to suggest that urgent surgery is required to be undertaken to save the patient.

12. When the application was before the Sessions Court, requisite documents were not placed by the applicant.

13. On merits of the matter, this Court did not grant relief on earlier occasion. There are inasmuch as 19 offences registered against the applicant. Besides that, his conduct in jail is objectionable which is evident from letter dated 13.10.2025 addressed by the Superintendent of Jail to the learned Sessions Court.

14. There is no denial of the fact that applicant has two real brothers and he is owner of buildings. I do not find any exigency warranting temporary release of the applicant on bail, so as to make the arrangement for immediate treatment of his spouse.

15. I find no merit in the application. It is rejected.

[SHAILESH P. BRAHME]
JUDGE

arp/