



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

BAIL APPLICATION NO. 84 OF 2026

BHAUSAHEB DAMODHAR KUTE

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondents/State : Mr. Aftab Ahmed Khan
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CORAM : MEHROZ K. PATHAN, J.

DATE : 20th JANUARY, 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for State.
2. The Applicant has filed the present application seeking grant of bail. At the outset, learned Counsel for the Applicant submits that the Applicant is restricting his claim for temporary bail on medical grounds and is not pressing regular bail as earlier bail application is rejected on merits.
3. The Applicant came to be arrested in Crime No. 740/2023 registered with Sangamner Police Station, Sangamner, Dist. Ahmednagar for the offences punishable under Sections 420, 408, 409, 465, 467, 468, 471, 477-A read with 34 of the Indian Penal Code and under Sections 3, 4 and 5 of the Maharashtra Protection of Interest of Depositors (Financial Establishment) Act, 1999.

4. The Applicant was the Chairman of the Society namely Dudhganga Nagari Sahakari Patsanstha Maryadit, Sangamner. The Applicant came to be arrested on 23.05.2024 and behind bars since then. The first bail application filed before this Court came to be rejected vide order dated 17.02.2025 by passing a detailed order giving reasoning and mentioned in detail the role of the present Applicant in commission of the said crime.

5. The Applicant had thereafter approached the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its order dated 21.11.2025 was pleased to dismiss the bail application, however granted liberty the Applicant to renew his prayer for grant of bail if there is no substantial progress in the trial. The Applicant had suffered several diseases i.e. IHD (Ischemic Heart Disease), Restless Leg Syndrome with proximal RCA 30% Stenosis with Prurigo nodularis with Squamous Hyperplasia with focal ulceration with Large Ulcer over nasal Area H/O drowsiness, chest Pain, Hypovolemia Multiple Joint (Both Ankle Joint, Knee Joint, Wrist Joint) pain, Swelling and Restricted Movement, Bleeding over nasal, surface, cough with expectoration, Chest Pain, dyspnea, Burning Micturition, Lower Backache and Generalized Weakness. Thus, the Applicant moved an application on 15.12.2025 before the learned Sessions Court seeking transfer from the Prison Hospital to the Civil Hospital, on account of ailments which could not be treated in the Prison Hospital.

6. The learned Sessions Court, after calling for a medical

report on 03.01.2026 and perusing the report submitted by the jail authorities dated 20.12.2025, passed an order directing that the Applicant be shifted from the Prison Hospital to the Civil Hospital, Nashik, for medical examination and necessary treatment be given as per rules. The Applicant was accordingly shifted, but his condition did not improve. Consequently, he filed another application seeking interim bail and permission to undergo treatment in a private hospital on humanitarian grounds. Upon such application, the learned Sessions Court directed submission of a medical treatment report on 05.01.2026. The application was decided after receipt of the report dated 06.01.2026 submitted by the Civil Surgeon, Nashik.

7. In the said report, the Civil Surgeon opined that while certain treatment could be provided at the Civil Hospital, Nashik, the Applicant required referral to J.J. Hospital, Mumbai, for further evaluation and specialized treatment. It was also noted that no cardio ICU bed was available at RRH Hospital, Nashik, and specialist cardiology treatment was not available at the Civil Hospital, Nashik, but only at RRH Hospital. The Civil Surgeon further stated that the general condition of the Applicant was very poor, and that he required inotropic support for hypotension and non-invasive ventilatory support. Relying upon the said report, the learned Sessions Judge finally decided the application and permission to undergo treatment at a private hospital on humanitarian grounds, by order dated 08.01.2026. A perusal of the order dated 08.01.2026 shows that the report submitted by the Additional Civil Surgeon,

Nashik, was discussed in detail. The Court found that the Applicant's condition was critically poor. It was also observed that although the Applicant was referred to J.J. Hospital for further treatment, he could not be shifted there due to want of police guard and his fragile medical condition. The Sessions Court, instead of granting interim or temporary bail, permitted the Applicant to undergo treatment at a private hospital, subject to conditions, including deposit of charges for adequate police security/guard during the course of treatment.

8. When the present application was mentioned yesterday, it was informed that the Applicant was on a ventilator and undergoing treatment in a private hospital. The APP was directed to submit a report when the matter would be listed today. Accordingly, a medical report submitted by the Superintendent, Central Prison, Nashik, bearing the signature of the Chief Medical Officer, Nashik Central Prison, has been made available for the perusal of this Court. The report specifically sets out the present condition of the Applicant and the clinical findings as under :

ARDS, sepsis, septic shock, hypernatremia, Bilateral Pleural effusion, Hyponatremic encephalopathy, recurrent urinary tract infection and Retention of urine, chronic cough and Chest pain, Dyspnea, Burning Micturition, Lower Backache, Tachycardia.

9. It is also informed that the Applicant is admitted in Private Hospital ICI. He needs Super Specialty treatment and management and also need Expert Opinion. He may require PET CT Scan for raised alkaline phosphatase in super specialty hospital. Brain MRI

indicated Ischemic Changes so Neurologist treatment required at Super Specialty Hospital. The above treatments and management is not available in Civil Hospital Nashik.

10. Thus, taking into consideration the medical condition of the Applicant, which has also been discussed by the learned Sessions Judge, Sangamner, in the order dated 08.01.2026, and the further observations/clinical findings in the medical report dated 19.01.2026 indicating sepsis, the Applicant may be released on temporary bail for a stipulated period.

11. The learned APP strongly opposes the grant of any temporary bail or bail on medical grounds, on the basis that the regular bail application of the Applicant was rejected by this Court vide order dated 12.02.2025, after considering the role of the present Applicant. The Applicant was the Chairman of the said Society, and if released on bail, there is every likelihood that he may tamper with the evidence. The learned Sessions Judge has rightly considered the medical condition of the Applicant and permitted him to undergo medical treatment at a private multi-specialty hospital at his own expense, while also directing him to bear the charges for adequate police security/guard throughout the course of treatment. Thus, the same conditions shall be maintained by this Court, however the Applicant may not be released on temporary bail.

12. I have gone through the entire medical reports discussed

herein above. The trial Court has sought the medical report dated 03.01.2026 before transferring the Applicant from the Prison Hospital to the Civil Hospital, and upon being satisfied with the Applicant's medical condition, allowed the transfer. The record further shows that the trial Court was again moved by the Applicant for treatment in a Private Hospital in place of Civil Hospital. The trial Court had again called for a report dated 05.01.2026 from the concerned Civil Hospital. After going through the report, the trial court permitted the transfer of the Applicant from the Civil Hospital to a Private Hospital of the Applicant's choice, considering the various ailments suffered by the Applicant. Thus taking into consideration the aforementioned medical condition of the Applicant, it is found that the treatment of the Applicant from one Hospital to another Hospital, is necessary depending upon the facilities available in each of the Hospitals. Considering the fragile health of the Applicant, he could not be moved to J.J. Hospital, there is no likelihood that the Applicant could flee away from the ends of justice or tamper with the evidence. Therefore, taking into consideration the above two factors, I am inclined to release the Applicant on temporary bail, however, only for a stipulated period. Hence the following order :

ORDER

(a) The Applicant - Bhausahab Damodhar Kute in connection with Crime No. 740/2023 registered with Sangamner Police Station, Sangamner, Dist. Ahmednagar for the offences punishable under

Sections 420, 408, 409, 465, 467, 468, 471, 477-A read with 34 of the Indian Penal Code and under Sections 3, 4 and 5 of the Maharashtra Protection of Interest of Depositors (Financial Establishment) Act, 1999, be released on a temporary bail for a period of three months.

(b) The Applicant or his relatives shall inform the learned trial Court about the progress in the treatment by submitting the progress report issued by the Private Hospital where the Applicant is taking treatment after every ten days.

(c) The accused shall be represented by his advocate or son, on every scheduled date of the case.

(d) The Applicant shall surrender before the Prison Authority after completion of the three months period from the date of his release.

13. The application stands disposed of.

MEHROZ K. PATHAN
JUDGE

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