



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 275 OF 2026

Jayram Devidas Kamble

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Ms. Sakshi S. Dushing, Advocate h/f Mr. R.R. Karpe, Advocate for applicant
Mr. C.V. Bhadane, A.P.P. for respondent – State
....

CORAM : RAJNISH R. VYAS, J.
DATE : 17th MARCH, 2026

PER COURT :

. This is an application for grant of bail in connection with F.I.R. No. 489 of 2024 dated 13th December, 2024 registered with Shivajinagar Police Station, Dist. Latur for commission of offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'B.N.S.'). The applicant was not named in the F.I.R. and the same was lodged against two persons, Dr. Pramod Ghuge and Aniket Munde.

2. In short, it is the case of prosecution in F.I.R. which was lodged by one Premala @ Prema Bharat Dongare stating that her son viz. Balu was working as a Security Guard in the hospital of Accused No.1 – Dr. Ghuge. One incident had taken place pertaining to elevator attached to the hospital,

in which the contractor was kidnapped and Accused No.1 had beaten the said contractor. At that time, in the said crime, deceased / Balu was shown as an accused and present Accused No.1 had assured him that he would regularly pay him his salary. On 12th December, 2024, the informant received a telephonic call and it was informed to her that her son / Balu was admitted in the hospital of Accused No.1. When the informant reached the hospital, she found her son in dead condition and she also noticed injuries on his person. It was disclosed by one Gajanan Kamble, another security guard of the said hospital that on Wednesday at about 09:30 p.m. initially Balu had come to the hospital on a scooty which was parked in front of the gate of the hospital, at which time Balu was under the influence of liquor. He then went to the sixth floor and demanded money to Accused No.1. After sometime, Balu came down and went away, but again returned after one hour. At that time Balu went on 6th floor and Gajanan Kamble was also with him. There, Dr. Ghuge and Aniket Munde assaulted Balu. Gajanan Kamble was asked to bring a stretcher, which he brought. On the instructions of Accused No.1 – Dr. Ghuge, Balu was taken in ICU room. Thus, it is the statement of Gajanan Kamble, which is relied upon by the prosecution, to contend that initially it was only Accused Nos. 1 and 2, who were involved in the crime.

3. Learned counsel for the applicant has contended that since the F.I.R. is silent about the role played by the present applicant, his case may be

considered. She further contended that supplementary statement recorded of Gajanan Kamble on 13th December, 2024 as well as on 10th January, 2025 would clearly reveal that at different stages the story was improved, and therefore, prosecution has not shown prima facie material against the applicant.

4. Per contra, learned A.P.P. contended that the supplementary statements dated 13th December, 2024 and 10th January, 2025 of Gajanan Kamble are enough to show that the applicant was also involved in the said crime.

5. With the assistance of both the counsels, I have gone through the record of the case placed before the Court.

6. Admittedly, neither the name of present applicant was shown in the F.I.R., nor any role was assigned to him in the same. Statement of the only eye witness, Gajanan Kamble was firstly recorded on 13th December, 2024 in which he has stated that the present applicant alongwith him had taken deceased / Balu on the stretcher and admitted in the ICU. Further statement of the said eye witness dated 10th January, 2025 shows that he had stated that the deceased / Balu was also beaten by the present applicant. At this stage it is necessary to mention here that the statement of Gajanan

Kamble dated 13th December, 2024 fails to make out any role to the present applicant. It is his statement dated 10th January, 2025, which is relied upon by the prosecution, which shows that only vague allegations were made that the present applicant had also beaten the deceased. The fact cannot be ignored that the incident had occurred on 12th December, 2024 and the F.I.R. was lodged on 13th December, 2024, whereas the present applicant was arrested on 28th December, 2024. The first statement of Gajanan Kamble was recorded on 13th December, 2024 and then after more than one month said Gajanan Kamble had come with a vague story of applicant beating the deceased.

7. The role of present applicant, whether he was involved in the commission of crime, more particularly beating, can be assessed during the course of trial, in view of discussion made supra. Suffice it to say that the material produced on record, prima facie, shows that the applicant is entitled for the bail. It is not even the case of prosecution that there are criminal antecedents to the present applicant. Charge-sheet in the matter is also filed. In that view of the matter, following order is passed :-

ORDER

- (I) Bail application is allowed.
- (II) The applicant be released on bail on furnishing P.R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) and with solvent surety in the like amount, in connection with F.I.R.

No. 489 of 2024 dated 13th December, 2024 registered with Shivajinagar Police Station, Dist. Latur for commission of offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

- (III) The applicant shall not influence the witnesses and tamper the evidence.
- (IV) The applicant shall attend Shivajinagar Police Station on every Thursday between 02:00 p.m. to 03:00 p.m., till disposal of trial.

(RAJNISH R. VYAS, J.)

SSD