

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1439 OF 2026

Gayabai Asaram Sawant And Anr.	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

Adv. Pradyumna D. Sharma a/w Adv. Randhirkumar N. Mandal,
Adv. Nishi N. Jain a/w Adv. Sandeep J. Pawar a/w Adv. Lahu
Gholap, for the Applicants.

Mr. Tanveer Gurvinder Khan, A.P.P., for the Respondent – State.

PSI Rahul Choudhari, Bhoiwada Police Station, Mumbai, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 16TH JUNE 2026

PC:-

1. Heard learned Counsel for the applicants.
2. The applicants are apprehending arrest in Crime No. 170 of 2026 dated 28.04.2026, registered with Bhoiwada Police Station, Brihanmumbai, for the offence punishable under Sections 121(1), 132, 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short, “BNS”) and under Sections 3 & 4 of the Maharashtra Medicare Service Persons And Medicare Service Institutions (Preventions Of Violence And Damage Or Loss To Property) Act, 2010.

3. These applicants have filed instant application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short, “BNSS”).

4. Learned Counsel for the applicants submits that on the basis of the complaint lodged by a nurse working in K.E.M. Hospital, an offence came to be registered against these applicants by alleging that these applicants who are ladies have quarreled with the staff and had some scuffle after the death of their relative in the hospital and in that incidence, the nurse was assaulted by fists and blows. He points out that the incidence has occurred when the relatives of the deceased were angry and only because of the quarrel, the allegations are made against these applicants and offence is registered.

5. It is submitted that there was no premeditation or any kind of preparation to make any attack on the staff of the hospital and further that there are no criminal antecedents against these applicants.

6. It is also pointed out that these applicants were protected by interim order dated 3rd June 2026 passed by this Court and accordingly they have cooperated the Investigating Agency. Their statements are also recorded. In view of this, the applicant prays for confirmation of the interim protection.

7. The learned APP for the respondents opposed the application. By pointing out the provisions of the Maharashtra Medicare Service Persons And Medicare Service Institutions

(Preventions Of Violence And Damage Or Loss To Property) Act, 2010 he submitted that the conduct of the applicants & other accused persons is penal in nature and in view of the use of force against the staff of the hospital, the applicants do not deserve any leniency. He submits that the applicants who are ladies, actively participated in the scuffle and hence their bail application be rejected.

8. It has to be noted that the applicants are ladies and applicant no.1 is aged 75 years. There are no criminal antecedents against these applicants. Further, they have cooperated the Investigating agency and their statement is also recorded.

9. Having regard to the allegations against these applicants and in view of fact that the incidence has occurred in the heat of passion coupled with the fact that there are no criminal antecedents against these applicants who are ladies, at this stage, the personal liberty of these applicants needs to be protected by granting them anticipatory bail.

10. Hence, I pass the following order.

ORDER

- (i) In the event of arrest of the applicants in Crime No. 170 of 2026, registered with Bhoiwada Police Station, Brihanmumbai, for the offence punishable under Sections 121(1), 132, 352, 3(5) of Bhartiya Nyaya

Sanhita, 2023 and under Sections 3 & 4 of the Maharashtra Medicare Service Persons And Medicare Service Institutions (Preventions Of Violence And Damage Or Loss To Property) Act, 2010, they be released on bail on furnishing P. R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with solvent surety of the like amount.

- (ii) The applicants shall attend the concerned Police Station on every Monday between 10:00 a.m. to 5:00 p.m. and as and when called upon by the Investigating Officer, till filing of chargesheet.
- (iii) The applicants shall cooperate the Investigating agency during investigation and trial.
- (iv) The applicants shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

11. In view of the above, the interim protection granted earlier is confirmed and this Anticipatory Bail Application is disposed of accordingly.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-