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

BAIL APPLICATION NO.102 OF 2025

1. Dnyaneshwar Raghunath Surase,
Age-42 years, Occupation: Agriculture.,
R/o Mouje Awa, Post Soygaon,
Tq. Ambad, Dist. Jalna.
2. Laxman Gajanan Surase,
Age-26 years, Occupation : Agriculture,
R/o Mouje Awa, Post Soygaon,
Tq. Ambad, Dist. Jalna. ... Applicant

Versus

1. The State of Maharashtra
Through Officer In-charge,
Police Station Ambad,
Dist. Jalna.
2. The Superintendent of Police,
Jalna, Dist. Jalna. ... Respondents.

WITH

CRIMINAL APPLICATION NO.550 OF 2025 IN BA/102/2025

Balasaheb S/o Suresh Dethe,
Age: 32 years, Occu.: Agri.,
R/o. Sade Sawangi,
Tq. Ambad, Dist. Jalna. ... Applicant

Versus

1. Dnyaneshwar S/o Raghunath Surase
Age: 42, Occu.: Agri.,
2. Laxman S/o Gajanan Surase,
Age: 26 years, Occu.: Agri.,
3. The State of Maharashtra
Through P.I. Ambad Police Station,
Dist. Jalna. ... Respondents

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Mr. S.J. Salunke, Advocate for Applicants
Mr. S.B. Narwade, APP for Respondents – State
Mr. Pratik Bhosle, Advocate for Informant

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 11 MARCH 2025
PRONOUNCED ON : 12 MARCH 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of applicants in Crime No. 128 of 2024 registered at Ambad Police Station, District Jalna for offence punishable under sections 302, 307, 323, 143, 147, 148, 149 of Indian Penal Code (IPC) and Sections 4 and 25 of the Arms Act.
2. Criminal Application No.550 of 2025 filed by informant for intervention seeking permission to assist the public prosecutor is allowed.
3. Learned counsel for the applicants submitted that both applicants, who are accused Nos.1 and 2, are arrested on 17.05.2025 and 13.03.2024, respectively. That, occurrence is of 10.03.2024. That, FIR is lodged after two days, i.e. on 12.03.2024. He submitted that, allegations of assault by knife on neck, however, taking this Court through the injury certificate, it is submitted that, how can two persons inflict injury on one and the same part with two different weapons, and according to him it is highly improbable. He submitted that, informant has

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improvised his version in supplementary statement. That, there is single injury. Moreover, there is counter FIR at the instance of present applicant No.1, and his FIR is prior in point of time, and even against present informant for commission of offence of attempt of murder. That, now investigation is over and charge-sheet is already filed on 07.06.2024. There are no immediate prospects of matter going for trial, and hence, according learned counsel, since applicants are behind the bars since almost one year, they be released on bail.

4. Learned APP as well as learned counsel allowed to assist APP, they both strongly opposed on the ground that, serious of murder is committed. That, there are recovery of articles like axe, knife and rod. That, cause of death is, 'multi organ failure in a surgically managed case of hypoxic ischemic brain injury in stab wound to vital structures of neck'. They both also expressed apprehension of misuse of liberty.

5. Heard both the sides. Perused the FIR at the instance of Balasaheb Suresh Dethe, who reported Ambad Police on 12.12.2024 that, on 10.03.2024 at 9:45 p.m., when he and his brother Kashinath had been to water the field, at that time, Dnyaneshwar Surase, Laxman Surase (present applicants),

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Shivaji Solunke and Krushna Shere came and after abusing informant and his brother, it is alleged that, Dnyaneshwar and Laxman inflict knife blows on throat of Kashinat, and therefore, he fell unconscious. It is further reported that, when injured Kashinath was taken to the hospital with the help of his cousin Sopan Dethe, at that time, again Sopan was assaulted by Laxman (applicant No.2), Om Surase, Baban Solunke, Govind Surase, Narayan Surase, Vishnu Shere, Bhagwan Shere by means of knife. On above report crime has been registered.

6. Supplementary statement is given by informant, wherein additional information and names of other more accused are given. Postmortem report of Kashinath Solunke is part of charge-sheet. Column No.17 carries as many as five injuries including injuries to femoral vein. Cause of death is reported as Multi organ failure in a surgically managed case of hypoxic ischemic brain injury in stab wound to vital structures of neck. Injury certificate of Sopan also shows that he had stab wounds on back scapula and other parts. Recovery is also shown at the instance of present applicants.

7. Considering the above nature of allegations, articles to be used commission of offence and though investigation is over,

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charge-sheet is is filed, taking the submission of learned APP into consideration that, charge is already framed on 07.02.2025, this Court is not inclined to grant bail, as there are bright chances that trial coming to an end in near future. Hence, the following order:

ORDER

The application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane