



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

928 BAIL APPLICATION NO. 792 OF 2025

Santosh Vijay Survase

VERSUS

The State Of Maharashtra

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Mr. Ladda Somnath G., and Mr. Menezes Joslyn A, Advocate for
Applicant

Mr. K. K. Naik, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

RESERVED ON : 10.10.2025

PRONOUNCED ON : 17.10.2025

ORDER :-

1. Heard.

2. This is the application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.09 of 2023, registered at Ashti Police Station, District Beed, for the offences punishable under Sections 302, 307, 326, 324, 323, 504, 506, 120(B), 109, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

3. The learned Advocate for the applicant pointed out the report in which the informant averred that on 06.01.2023, at about 07:30

p.m.,when he returned to his home, his brother Tatya informed him that Saurabh had beaten Amol Santosh Jadhav. The informant then went to the police station, but Santosh Surwase (applicant) told them not to file a complaint and asked them to come to his house to settle the matter. Therefore, the informant, along with Ganesh Parshu Surwase, Sunita Anil Murkute, Savita Tatya Surwase, Amol Anil Murkute, Rahul Anil Murkute, and his brother Tatya, went to Santosh Surwase's house at about 08:15 p.m. At that time, all the accused and 7–8 other people were there. As soon as the informant and others entered the house, Akshay Murkute closed the gate. The accused then took iron rods, swords, and wooden sticks. Santosh told them that the informant party had worked against them in the elections and now they were going to the police station for lodging the report and started abusing the informant and others. Santosh Surwase and Saurabh Jadhav assaulted the informant's brother Tatya on the head with iron rods. As a result of which he fell immediately on the ground. Thereafter, Akshay attacked the informant with a sword but missed and hit his left ear, causing him to fall on the ground. The other accused then attacked the informant and others with intention to kill them. The informant and his brother Tatya were seriously injured and were lying on the ground. Believing them to be dead, the accused left the spot. Thereafter, the informant and his brother were taken to the hospital by other persons. During the treatment, informant's

brother Tatya Surwase died. Therefore, the offence punishable under Section 302 of IPC was added to the registered crime.

4. The learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. He submitted that the other co-accused, Ranjit @ Chotya Ashok Gunjal, has been released on bail by this Court in Bail Application No. 790 of 2023, by order dated 20.06.2023. However, the application of the present applicant in Bail Application No. 1705 of 2023 was rejected by this Court by order dated 15.02.2024. He further submitted that now there has been a change in circumstances, as the applicant has been in custody for more than two years and eight months. On the ground of delayed trial, the learned advocate for the applicant submitted that the applicant has right to a speedy trial. Considering all these aspects, it is prayed that bail may be granted to the applicant on the ground of parity as well as change in circumstances.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is booked for a serious crime of murder, if he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. The learned APP pointed out that the

applicant has the following criminal antecedents:

Crime No.	Police Station	Offences
86/2007	Ashti	452, 323, 504 and 506 of IPC
183/2013	Ashti	392, 427, 50, 506 and 34 of IPC
28/2018	Ashti	324, 323, 504, 506 and 34 of IPC
383/2022	Ashti	307, 279, 143, 147, 149, 427, 504, 506 and 34 of IPC
120/2021	Ashti	65E of Mumbai Police Act

6. It is submitted that the earlier Bail application of the present applicant was rejected by this Court by an order dated 15.02.2024. At the most, directions for the expeditious hearing of the trial may be given. In view of the above, it is prayed to reject the application.

7. Perused the charge sheet, particularly the order passed by this Court while granting bail to the other co-accused as well as the order rejecting the bail application of this applicant. The applicant challenged the rejection order passed by this Court and filed Special Leave Petition No.5346 of 2024 before the Hon'ble Supreme Court order, which was later withdrawn. Now the forensic report is received. The applicant is booked for a serious crime of the murder, if he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence, as he has serious criminal antecedents. The applicant is the prime accused. He assaulted Tatya

on the head with an iron rod, as a result of which Tatya succumbed to his injuries. Considering the serious nature of the crime, it would not be proper to grant bail to the applicant on the ground of parity or on the ground of change in circumstances. However, in view of the right to a speedy trial, directions can be issued to the Trial Court to expedite the trial. Considering all these aspects, the application deserves to be rejected. The Bail Application is rejected.

8. The learned Trial Court is directed to conclude the trial as expeditiously as possible and in any case within a period of six months from today in accordance with the directions issued by the Hon'ble Supreme Court in *Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC OnLine SC 322*. However, it is clarified that if any sessions case has been expedited either by the Hon'ble Supreme Court or by this Court, the Trial Court shall proceed with those cases first and thereafter conclude the trial in the present case. Needless to mention that it is a sessions trial and word "sessions" means once it is started it shall not be stopped until it is concluded. The Bail Application is disposed of.

[SANJAY A. DESHMUKH, J.]