



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

36 CRIMINAL APPEAL NO. 528 OF 2025

Avesh @ Faizan Raju Patel,
Age; 24 years, Occ; Education,
R/o; Rajmalti Nagar, Near Milk
Federation Jalgaon,
Tq. & Dist. Jalgaon.

...APPELLANT
(Orig. Accused No. 4)

VERSUS

1. The State Of Maharashtra,
Through Jalgaon City Police
Station, Jalgaon, Tq. & Dist. Jalgaon.

2. Vishal Ajay Surwade,
Age; 28 years, Occ; Labour,
R/o; Plot No. 19, Pandurang Bhavan,
Rajmalti Nagar, Near Milk Fedration,
Jalgaon. Tq. & Dist. Jalgaon.

...RESPONDENTS.
(Res. No. 2 is Original
Informant)

...
Advocate for Appellant : Mr. Tapan Kishore Sant
APP for Respondent No. 1/State : Mr.C.V. Bhadane
Advocate for Respondent No. 2 : Mr. Suresh Madhusudan Kulkarni
...

CORAM : SUSHIL M. GHODESWAR, J.

Date of Reservation : 10.11.2025
Date of Pronouncement : 14.11.2025

PER COURT :

1. Heard Mr. Tapan Sant, learned Advocate for the appellant.

2. Appellant is challenging the order dated 25.06.2025 passed by the Additional Sessions Court, Jalagon, wherein, his application for regular bail bearing Crime No.511 of 2024 came to be rejected.

3. Through his appeal the appellant prays for grant of regular bail in Crime No. 511 of 2024, registered at Jalgaon City Police Station, District Jalgaon. The said crime came to be registered on the basis of report lodged by respondent No. 2, Vishal Ajay Surwade on 20.11.2024. He gave a statement in the Civil Hospital, Jalgaon, while he was taking treatment. According to the informant, he is working as labour with labour team belonging to one 'Mukadam' namely Madhubaba Pawar. He has further submitted that one accused i.e. Municipal Councilor namely Raju Bismilla Patel was staying in the same locality of Rajmalati Nagar and he was also operating separate team of labours. Said accused, the Municipal Councilor Raju is staying with his brother namely Sanju Patel. Prior to 2 to 3 years before this incident, the quarrel had taken place between said Patel family members with informant's family members and there were police complaints against each other from both side.

On 20.11.2024, at about 9.00 hrs., his brother-in-law namely Siddharth Manik Wankhede had been to cast his vote at SMIT College Booth. At that time, informant came to know that Raju Patel has abused to Siddharth Wankhede, therefore, he went to Surat Railway gate. After reaching there he saw his brother-in-law Siddharth was returning after casting his vote. Thereafter, his brother-in-law was

stopped by the said Raju Patel and his gang and at that time, Mahemood Patel, Avesh Patel, Raju Patel, Jasmin Patel etc. were present there. Thereafter, there took place quarrel between them and out of the said quarrel above all accused persons started assaulting his brother-in-law Siddharth Wankhede. At that time, appellant Avesh Patel asked other assailants to assault the brother-in-law of the informant on his chest, as he had recently undergone his by-pass surgery. The accused persons namely Mahemood Patel, Avesh Patel, Rajpu Patel and Jasmin Patel also assaulted said Siddharth by means of wooden rod and due to said assault his brother-in-law Siddharth fell down. The informant went to pacify the said quarrel, however, other accused persons also assaulted him on his head and shoulders by means of wooden rod. Due to the said assault his brother-in-law namely Siddarth Wankhede was taken to the Civil Hospital. However, he succumbed to the injuries before reaching to the hospital. Therefore, informant lodged report against accused persons on the ground that though the accused persons were aware that his brother-in-law Siddharth had undergone his by pass surgery, still they have assaulted him and murdered him. On account of said the First Information Report (for short "FIR") Crime No. 511 of 2024, came to be registered against these accused persons, out of which, the present appellant is accused No. 4.

4. According to Mr. Sant, learned Counsel for the appellant, the investigation in this crime is already completed. He submitted that there

was quarrel between two groups and both the groups had attacked with each other and in the said assault the appellant was also badly injured and he was also hospitalized for some days. After getting discharge from the hospital he was immediately arrested. Since then the appellant is in the custody. Mr. Sant, learned Counsel for the appellant has further submitted that the prosecution alleges that the present appellant has assaulted the deceased with Koyata-‘Chopper’, however, neither there is any recovery of the ‘Chopper’ from the appellant, nor there is any injury on the person of the deceased due to said Chopper. In order to implicate the appellant in more serious offence, it has been deliberately stated by the informant that the appellant had used ‘Chopper’ at the time of commission of the crime. He also read over the CCTV panchanama pertaining to the recording of the incident. According to the said panchanama, he pointed out the attention of this Court towards the recording showing the involvement of the present appellant in the present crime. However, in the said panchanama it is stated that the present appellant was beaten by the informant side and there was no mentioning of any weapon like ‘Koyata’ (Chopper) at the time of incident.

5. Mr. Tapan Sant, learned Advocate for the appellant further submits that the appellant is pursuing his L.L.B. Course and he is about to appear in his first year examination. He has also produced before the Court, the Hall Ticket as well as time table of the examination of the appellant. On all these aforesaid counts, the learned Advocate for the appellant sought the regular bail to the appellant by this Court.

6. Per-Contra, learned APP has submitted that the appellant was absconding right from the registration of the crime. There are various criminal antecedents against the appellant, which are of serious nature. There is long standing rivalry between the appellant and informant family members. Even after grant of bail by the Special (Atrocity) Court the appellant has indulged in similar activities by committing serious crimes. Therefore, learned APP strongly opposed the instance appeal and prayed for rejection of the bail.

7. I have heard Mr. Suresh Kulkarni, learned Advocate for the Respondent No. 2- informant, who has strongly opposed the instant appeal. According to him, the appellant is involved in this serious crime and his relatives have also issued threats on various occasions to the family members of the informant. He has pointed out various criminal antecedents against the appellant. He thus, submits that if the appellant is released on bail there shall be threats to the life of the informant and his family members.

8. He also pointed out from the contents of the FIR that it was the appellant who had asked other assailants to assault the deceased Siddharth on his chest since the deceased had undergone by pass surgery. Therefore, according to Mr. Kulkarni, learned Advocate for respondent No. 2 the appellant is the main culprit in this crime, as he has instigated other accused to assault deceased on his chest, and due to which, the deceased was succumbed to the injuries and therefore,

appellant cannot be granted bail in these circumstances.

9. He also opposes for grant of bail to the appellant on the ground that the appellant has involved in serious crime not only against the members of the society but also against women on earlier two occasions and as such strongly opposed the appeal.

10. After hearing submissions of the learned Advocates for all the parties at length, I found that crime in question took place on 20.11.2024 and on the same date the appellant had also got badly injured by the informant side and therefore, he was admitted, initially in Government Hospital and later on in private hospital for treatment. The period of hospitalization goes to show that the appellant was injured seriously for the grievous heart.

11. With the able assistance of the learned Advocates for the parties, I have also gone through the postmortem report of the deceased. The Column-17 of the said report discloses that deceased has received four contusion injuries and one lacerated wound and other three injuries which were in the form of the scar, have been caused due to by-pass surgery. The cause of death is due to shock and hemorrhage due to blood infiltration into the chest. Admittedly, there are no incised cut wound injury on the person of the deceased or the injured informant. Though, at the initial stage, it was tried to be canvassed before this Court that, it is the appellant who used Koyata-‘Chopper’ at the time of

crime, however, on the basis of material available before this Court in the form of CCTV footage, it is crystal clear that, the appellant was at all not carrying any such weapon. On the contrary, he was being beaten by the informant side. It is true that there are various criminal antecedents of serious nature against the appellant, which is really a matter of serious concern. The appellant appears to be of 25 years old and also pursuing his LL.B. Degree Course through the S.S. Manyar law College, Jalgaon and his examinations are scheduled to be held from 08.12.2025 to 22.12.2025. Since he is pursuing his professional course and is about to appear for examination, he is required to be given a chance, as he might have a bright future. Looking to the injuries and hospitalization, the appellant himself suffered out of the crime and since the fact that he is in jail since 14.02.2025, his case needs to be considered sympathetically. In that view of the matter, I pass following order :

ORDER

a] The Appellant shall be released on bail in connection with FIR No 511 of 2024 registered with Jalgaon (City) Police Station District Jalgaon, for the offence punishable under Sections 191(2), 191(3), 190, 109, 103(1), 352, 351 (2) of the Bhartiya Naya Sanhita, 2023 and under Section 3(1)(r), 3(1)(u), 3(2)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court.

b] The Appellant shall not enter the jurisdiction of the Jalgaon city and Jalgaon District limits during pendency of the trial. The Appellant is allowed to enter into the city limits only on the dates of trial, and on the dates for appearing in his examination if his examination center is located in Jalgaon.

c] The Appellant, upon being released on bail, shall not

contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The Appellant shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The Appellant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

f] The Appellant, upon being released on bail, shall attend the concerned Police Station two days in month i.e. on every 5th and 20th day of each month till conclusion of the trial. For this attendance he shall be permitted to enter Jalgon only on those dates for the same purpose only.

g] The Appellant, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses with updates in case of any change.

h) The appellant shall not commit any crime in future.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellant shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The appeal stands allowed and disposed of.

(SUSHIL M. GHODESWAR, J.)