

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 BAIL APPLICATION NO. 1366 OF 2025

RAJKUMAR AJAY SURWADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kulkarni Suresh Madhusudan
APP for Respondent/State : Mr. P.P. Dawalkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08/08/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicants are seeking bail as they were arrested on 3.1.2025 in connection with crime No. 513/2024 dated 21.11.2024 registered with Jalgaon City Police Station, Jalgaon for the offences punishable under sections 109, 112(1), 190, 191(2), 191(3), 351(3), 352 of B.N.S., 2023.
3. The case of the prosecution against the applicants is that on 20.11.2024 at about 9.00 a.m. in the morning when informant and others were standing near Surat Gate, the present applicants (accused Nos. 2, 3 and 5) and other co-accused abused and assaulted the informant and others with the weapons in their hands and has caused grievous injury to them and therefore, aforesaid offence came to be registered against the applicants and other co-accused. The bail application of the applicants is rejected by the trial court and therefore, present application is filed.
4. The learned counsel for the applicants submits that the applicants are arrested on 3.1.2025 and since then they are behind bars. The learned counsel submits that there has been rivalry between the two groups and on

account of dispute, altercation and fight took place between the two groups and one person from the applicants was murdered by the informant's side and the the case is also registered against the informant and others and they are in custody in respect of the said crime. As far as assault by applicants is concerned, the learned counsel submits that three persons have sustained injury during the incident from the side of the informant.

5. The learned APP submits that as per the certificate of private hospital three persons sustained grievous injury in this incident, however, as per the Government medical certificate only one person sustained grievous injury. Perusal of the injury certificate of Faizan Patel, injured, shows that it is grievous, but not on vital part of the body. The applicants are in custody from 3.1.2025, however, releasing the applicant on bail would create further acceleration. In response thereto, the learned counsel for the applicants submits that if the applicants are released on bail, they would not enter into the Jalgaon city till the conclusion of the trial except on the date of trial.

6. Chargesheet in the matter is filed. Investigation is completed. Since 3.1.2025 the applicants are behind bars. Considering all above and considering the nature of injury and considering that the fight is between the two groups and at this stage, it cannot be ascertained who are the aggressors, I hold that bail can be granted to the applicants on stringent conditions.

7. In view of the above, the application is allowed in the following terms :

a] The applicants shall be released on bail in connection with crime No. 513/2024 dated 21.11.2024 registered with Jalgaon City Police Station, Jalgaon for the offences punishable under sections 109, 112(1), 190, 191(2), 191(3), 351(3), 352 of B.N.S., 2023 , on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants shall not enter the Jalgaon City during pendency of the trial except on the date of trial of the case.

c] The applicants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

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

e] The applicants shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicants, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

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

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

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/