



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

BAIL APPLICATION NO. 2372 OF 2024

Jaysing @ Sonu Raysing Pandit.

... Applicant

Versus

The State of Maharashtra.

... Respondent

AND

BAIL APPLICATION NO. 2361 OF 2024

Vinod Laxman Chavariya.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Mr. Anshuman Deshmukh, h/f Mr. Bhausaheb Deshmukh, Advocates for
Applicants, (in both the matters)

Mr. G. O. Wattamwar, APP for Respondent/State, (in both the matters).

...

CORAM : **SANJAY A. DESHMUKH, J.**

RESERVED ON : 26th August, 2025.

PRONOUNCED ON : 26th September, 2025.

ORDER:

1 Heard both the sides.

2 Both these applications are filed for grant of regular bail in connection with Crime No.0118 of 2024, registered with Bhusawal City Police Station, District Jalgaon, for the offences punishable under Sections 302, 143, 147, 148, 149, 341 and 120-B of the Indian Penal Code, 1860 under Sections 3/25, 27 and 7/25 of the Arms, 1959 Act and under Sections 37(1)(3) and 135 of the Maharashtra Police Act, 1951.

3 The informant averred in the report that they are six brothers. The eldest brother, Santosh Mohan Barse was an ex-Corporator. His other brothers are Dipak Barse, Narendra Barse, Jitendra Barse and Mahendra Barse.

4 The informant further averred that in Bhusawal city for the last several days, there was shortage of water. His brother Santosh arranged water supply through tankers in the locality of Swargiya Mohan Pahalwan Nagar, Jamner Road, Bhusawal. About five days earlier, when a water tanker arrived in Valmiki Nagar Ward, applicant-Jaysing @ Sonu Pandit, Akash Pandit, Golu Pandit and Sonu Pathrod stopped the tanker driver and took the tanker to their own house. At that time, Santosh went to their house and tried to convince them that, since all residents were suffering from water scarcity, it was improper on their part to take the tanker for their own house. At that time, they

said to Santosh *"Who are you telling us?"*. Thereafter, they all abused him. At that moment, Golu Pandit said *"Call Raju Suryawanshi, we will eliminate Santosh"*. At that time, the people of that ward, convinced them, however, they threatened to eliminate Santosh.

5 The informant further averred that on 28th May, 2024, between 09.00 to 9.30 pm, a water tanker of Sunil Rakhunde arrived at Swargiya Mohan Pahalwan Nagar, Jamner Road, Bhusawal. At that time, Vishnu Pathrod, Shiv Pathrod, Karan Pathrod, Nitin Pathrod and three to four unknown persons punctured and damaged the tyres of the said water tanker. When this fact came to the knowledge of Santosh, he went near the house of Vishnu Pathrod, where Bunty Pathrod was also present. When Santosh questioned them as to why they caused damage to the tanker, Bunty Pathrod, Shiv Pathrod and Vishnu Pathrod said that their boss Raju Suryawanshi told them to eliminate Santosh. They threatened to kill him. Thereafter, Santosh came to the house and told that fact to the informant and others and stated that *"Raju Suryawanshi set a trap for him, you all should remain alert"*.

6 The informant further averred that on 29th May, 2024, about 09:30 to 09:45 pm, while he was standing on Jamner Road, Sagar Barse and Praful Patil came to him and told the fact that

Santosh and Sunil Rakhunde were proceeding towards Gandhi Putla in a car. They (Sagar and Praful) were following the car on a motorcycle. At that time, the applicants, Shiv Pathrod, Vishnu Pathrod, Karan Pathrod, Nitin Pathrod and 2-3 other unknown persons came from backside on 2-3 motorcycles, they intercepted Santosh's car and fired on Santosh and Sunil. Due to the fear, the people started to run away and the shopkeepers closed their shops. Those people were showing their weapons. Thereafter, the informant alongwith Shailendra Barse and others came near the Mari Mata Mandir, close to the Shiv Sena office of Deepak Dhande, where people were gathered and police were also present. He saw that Santosh and Sunil were lying in the pool of blood in the car of Santosh. At that time, the ambulance called by the police was arrived, and with the help of the people, both the injured persons were shifted to Trauma Centre, Bhusawal, where doctors examined them and opined that they were breathing and directed that they be shifted to a higher hospital. Accordingly, they were taken to Dr. Manavatkar's Hospital, where preliminary treatment was given, but thereafter, the doctor declared both of them dead. The report was lodged on the second day of the incident.

7 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime due to earlier enmity. The applicants have no criminal antecedents. The applicants have roots in

the society and they will not flee away from the trial. The trial will take a long period. He submitted that co-accused Raju Suryawanshi is released on bail by this Court. Therefore, the applicants are also entitled for bail on the ground of parity. He lastly prayed to allow the applications.

8 The learned counsel for the applicants is relying on the case of ***Sheikh Javed Iqbal Alias Ashfaq Ansari Alias Javed Ansari Vs. State of Uttar Pradesh, (2024) 8 Supreme Court Cases 293***, in which the Honourable Supreme Court has held that grant of bail on the probability of conclusion of trial in near future is one of the factors irrespective of the restrictions under Section 43-D(5) of the UAPA Act, as it violate the fundamental rights of the accused and the constitutional Courts have to grant bail on the ground of violation of Part-III of the Constitution of India.

9 The learned APP for the State strongly opposed the applications and submitted that the applicants are involved in the serious crime of murder of two persons. The applicants took the life of brother of informant and one Sunil. There is sufficient material against the applicants. There is direct evidence of conspiracy in the form of threat to eliminate the brother of the informant. The applicants have a strong motive of previous enmity and therefore, they have murdered

the brother of informant and one Sunil. The murders are taken place in the daylight. It is predetermined crime as the firearm is used. Though co-accused Raju Suryawanshi is released on bail by this Court by an order dated 25th October, 2024 passed in Bail Application No.1904 of 2024, the applicants are not entitled for bail on the ground of parity, as the role of these applicants are different and serious. There was no direct evidence against co-accused Raju and there were no allegations of the conspiracy against him. The applicants' role is very specific that they participated in the crime with the weapon. If the applicants are released on bail, they will certainly pressurize the prosecution witnesses and tamper with the prosecution evidence. It is lastly prayed to reject the applications.

10 Perused the applications and the charge-sheet, particularly, the report and the statements of witnesses.

11 The applicants are involved in the serious crime of murder of two persons. The murder took place in the daylight. There is a strong motive attributed to the applicants that they quarreled with the brother of informant on account of supply of water. The applicants have criminal antecedents. Though co-accused Raju Suryawanshi is released on bail by this Court, his role as per the report and other documents is not spelt out that he actually participated in the crime.

As per FIR, he was not on the spot during assault. Thus, role is different. Hence, the applicants are not entitled for parity. The role of these applicants is establishing from the report and the statements of witnesses, as there are eye-witnesses to the incident. If all these aspects are considered together, the liberty of the applicants in the form of fundamental right is not violated to grant bail to them as per the law laid down by the Honourable Supreme Court in the case of ***Sheikh Javed Iqbal Alias Ashfaq Ansari Alias Javed Ansari*** (supra). If the applicants are released on bail, certainly they will pressurize the prosecution witnesses and tamper with the prosecution evidence. The applicants are prosecuted for commission of murder of two persons, the possibility of commission of same nature of crime on their part cannot be ruled out.

12 Considering all these aspects, both the applications deserve to be rejected. Hence, both the bail applications are rejected.

[SANJAY A. DESHMUKH, J.]