



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

BAIL APPLICATION NO. 1746 OF 2025

UDHAV PANDURANG SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

AND

BAIL APPLICATION NO. 2215 OF 2025

JAYDEV ALIAS VISHAL SANDIPAN SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondents : Mr. S. M. Ganachari and Mr. S. G. Sangale

...

WITH

CRIMINAL APPLICATION NO. 4641 OF 2025 IN BA/1746/2025

MADHAV MAROTRAO PAWAR
VERUS
UDHAV PANDUARNNG SURYAWANSHI AND ANOTHER

...

WITH

CRIMINAL APPLICATION NO. 4640 OF 2025 IN BA/2215/2025

MADHAV MAROTRAO PAWAR
VERUS
JAYDEV ALIAS VISHAL SANDIPAN SURYAWANSHI AND ANOTHER

...

Advocate for Original Informant : Mr. R. G. Nirmal

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-12-2025

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.320 of 2025 registered with Gangakhed Police Station, District Parbhani, dated 05.05.2025, for the offences punishable under

Sections 103(1), 118(2), 118(1), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023. In connection with the said crime, the applicants were arrested on 27.05.2025 and the chargesheet is filed on 17.07.2025.

2. Heard the learned counsel for the applicants, the learned A.P.P. for respondents/State and the learned counsel for respondent/original informant. Perused the chargesheet made available.

3. The prosecution case is that on 03.05.2025, the informant's brother, Vishnu Marotrao Pawar, sustained severe injuries during an assault. The informant arrived at Civil Hospital, Gangakhed and found his brother unconscious. The applicant and co-accused, who were present at the time, admitted that the said injuries stemmed from a fight involving Nivrutti Pandurang Pawar before leaving the hospital. The owner reported seeing five masked boys fighting behind the hotel around 12:30 a.m. Informant also found evidence of blood on the nearby road. Accordingly, the FIR was lodged.

4. Learned counsel for the applicants submits that the allegations are solely based on hearsay and circumstantial evidence, as the sole witness (hotel owner Bhagwan Kadam) confirmed that all individuals were involved and had their faces covered. The said statement contradicts the allegations in the FIR which pertains to the use of an alleged stick during the fight. It is further contended that there is no motive and the applicants are

falsely implicated in the crime. Hence, prayed for admitting the applicants on bail.

5. The learned A.P.P. for the State and the counsel for the informant submits that there is, *prima facie*, sufficient evidence against the accused to indicate and establish the involvement in the murder of Vishnu Pawar. There is sufficient material to show complicity of the applicants pointing towards the nature of the injuries, CDR records, CCTV footage and recovery based on accused No. 3's statement. It is further submitted that since, the applicants and the informant reside in the same locality, there is possibility of tampering with the evidence. Lastly, prayed for rejections of the applications.

6. Upon examination and analysis, it is rather evident that the *prima facie* evaluation of material at the stage of deciding bail in a case of serious offences, that the Court is not required to undertake a meticulous appreciation of evidence or test its admissibility or sufficiency for conviction.

The evidence of witness, namely, Bhagwat Kadam, refers to the CCTV footage, wherein the accused are seen. Apart from the aforesaid aspect, the trial Court has noted that while admitting the deceased to the hospital, the history of road accident is projected. However, upon going through MLC report, there are 12 injuries on the body of the deceased, including injury on the neck, skull and multiple injuries on the body of the deceased. The cause of death

is noted to be the head injury associated with bilateral hemothorax. Thus, the injuries are not the outcome of any accident. Taking into account the statements of the witnesses and recovery, there is sufficient *prima facie* material against the applicants/accused persons indicating their complicity in the offence. Considering the copies of two N.C.s filed by the complainant regarding threats received to him at the instance of the accused, thus, an apprehension expressed by the learned A.P.P. about tampering with the evidence is duly substantiated.

7. The Honourable Apex Court, In the case of ***Ishwarji Nagaji Mali v. State of Gujarat and Anr., 2022 (6) SCC 609***, while considering legality of the order granting bail to the accused charged under Section 302 read with Section 120B of the Indian Penal Code. The Honourable Apex Court held that the High Court erred in granting bail without a proper appraisal of the gravity of the offence, the nature and quality of evidence collected during the investigation, and the settled judicial principles governing bail. The Honourable Apex Court has noted that the High Court had primarily relied on the deep societal roots of the accused and the absence of any apprehension of his fleeing or tampering with the evidence. Such factors were regarded as insufficient for the purpose of granting bail in a serious crime like murder especially one involving an alleged criminal conspiracy.

8. The Honourable Apex Court has reiterated that while

considering bail applications in serious offences, especially involving criminal conspiracy and premeditated murder, the Courts must examine factors beyond just the likelihood of the accused absconding.

9. The judgment extensively referred to the settled legal position laid down in the case of ***Gudikanti Narasimhulu v. Public Prosecutor, High Court of Andhra Pradesh, (1978) 1 SCC 240***, wherein it is held that the nature of the charge, nature of evidence, and likelihood of the accused thwarting the course of justice are vital considerations.

10. Further, reiterating the aforesaid principles in the case of ***Prahlad Singh Bhati v. NCT of Delhi, (2001) 4 SCC 280***, the Apex Court has emphasized that the jurisdiction to grant bail must be exercised judiciously and not arbitrarily, and highlighted several factors including the gravity of the offence, severity of punishment, risk of tampering with evidence, and the larger public interest.

11. As has been recorded here-in-above, the perusal of the material on record including chargesheet, it is, *prima facie*, evident in the present case that the deceased had sustained severe injuries, due to which succumbed to death. Apart from those aspects, the investigating agency has also collected CCTV footage and other substantial recovery. Thus, *prima facie*, there is overwhelming sufficient material to establish complicity of the

present applicant in a serious offence.

12. So far as risk of tampering with the evidence is concerned, the informant has already registered the non-cognizable report against the applicants regarding threats received which unequivocally substantiates the risk of tampering with the evidence. Therefore, the said apprehension expressed by the learned A.P.P. is rather well founded.

13. Considering the aforestated circumstances coupled with gravity of offence and the risk of tampering with the evidence, the applications do not warrant consideration to exercise discretion in favour of the applicants.

14. In the light of the aforesaid discussion and considering the settled legal principles, the bail applications are **rejected**.

15. Criminal Applications No.4641 and 4640 of 2025 stand disposed of, accordingly.

16. Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

rrd