

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2560 OF 2025

Balaji Shivaji Surwase ...Applicant  
Versus  
The State of Maharashtra ...Respondent

WITH  
INTERIM APPLICATION NO. 3156 OF 2025  
IN  
CRIMINAL BAIL APPLICATION NO. 2560 OF 2025

Rahul Tanaji Patil ....Applicant

IN THE MATTER BETWEEN

Balaji Shivaji Surwase ...Applicant  
Versus  
The State of Maharashtra ...Respondent

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Mr. Jaydeep Mane, Advocate for the Applicant.  
Mr. D.V. Sutar a/w Ms. Shruti P. Ghodake, Mr. Shashank Chavan, Mrs.  
Reshma Adnaik, Ms. Rakshita Shinde for the Intervenor.  
Mr. P. P. Deokar APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4<sup>th</sup> NOVEMBER, 2025.

PC.

1. By this application, applicant is seeking regular bail in C.R.  
No. 294 of 2017 registered with Pangari Police Station, District  
Solapur for offences punishable under Sections 302, 307, 120(B),

147, 148, 149, 323 of the Indian Penal Code and under Sections 4(25) of Arms Act.

2. It is the prosecution's case that on 24<sup>th</sup> November 2017, the applicant and co-accused assaulted the cousin and relative of the first informant with sickle, sword and wooden rod. In the said assault, the cousin and relative of the first informant have died.

3. It is contention of learned counsel for the applicant that the applicant is behind bar for more than 8 years, yet trial is not concluded. The co-accused against whom similar allegations are levelled have been released on bail by this Court. Hence, the applicant is entitled to bail on principle of parity.

4. It is contention of learned APP alongwith learned counsel for respondent no. 2 that the applicant had filed bail application before this Court, it was withdrawn on 10<sup>th</sup> June 2025 and after withdrawing the said application, on same day, without approaching the Trial Court, present application is filed. Learned APP further submitted that the applicant and co-accused threatened the approver in the Court premises on 16<sup>th</sup> October 2025. Learned APP further submitted that as the applicant has withdrawn his earlier bail application, he should have filed fresh bail application before the

learned Sessions Court seeking bail on the ground of change in circumstances. If applicant is released on bail, he may threaten the prosecution witnesses. The trial is in progress. Hence, requested to reject the application.

5. I have heard all the learned counsels, perused F.I.R. and documents produced on record. The allegations against the applicant are that he alongwith other co-accused assaulted Krushna Patil, Manik Satpute and Sudam Chavan with sickle, sword, iron pipe and wooden rod. In the said assault, two persons have died. It appears from the record that admittedly the applicant had filed Bail Application bearing No. 1801 of 2025 before this Court, on 10<sup>th</sup> June 2025. The applicant withdrew this bail application by filing a praecipe and this Court (Coram: Ashwin D. Bhobe, J.) dismissed the bail application as withdrawn. Thereafter, present application is filed on 25<sup>th</sup> June 2025 after fifteen days of the withdrawal of earlier bail application. No liberty was taken to file fresh bail application. Moreover, in the grounds of present bail application it is mentioned that the applicant is aggrieved by the orders of Sessions Court rejecting the bail application of the applicant by order dated 6<sup>th</sup> November 2024 below exhibit 168. The question remains if the said order is challenged in present bail application then which order was challenged in the earlier bail

application which is withdrawn. In the present bail application, ground of parity is taken, the co-accused have been released on bail before 10<sup>th</sup> June 2025 i.e. before withdrawing earlier bail application. So same ground cannot be taken in present bail application though the applicant is claiming one of ground for long incarceration but after withdrawing the earlier bail application after fifteen days, the present bail application is filed. So after withdrawing earlier bail application, unless change in circumstances and without approaching the learned Sessions Court, fresh bail application filed on same grounds cannot be considered.

6. In view of above, I pass following order:

**ORDER**

(I) The application is rejected.

7. In view of disposal of bail application, pending interim applications, if any, are disposed off as infructuous.

(SHIVKUMAR DIGE, J.)