

BAIL APPLICATION NO.1980 OF 2025

VERSUS

Mr. A.K. Bhosle, Advocate for applicant
Mr. A.R. Kale, A.P.P. for respondent – State

DATE : 13th FEBRUARY, 2026

1. The applicant seeks release on regular bail in connection with Crime No.167/2024, registered with Limbgaon Police Station, District Nanded for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 25 of the Arms Act.

2. The prosecution case is that, on 22/11/2024, the deceased along with accused and other friends had a party. After

the party, the applicant took the deceased aside and on account of previous dispute mercilessly assaulted him and stabbed with a dagger. The deceased screamed for help and the friends who also participated in the party rushed towards him and saw him lying in pool of blood. The present applicant was having dagger in his hand and his hands were smeared with blood. The applicant along with co-accused Soham ran away on motorcycle. The deceased was taken to the hospital by his friends, however, during treatment, he succumbed to the injuries.

3. Learned counsel for the applicants submits that, the applicant is a student prosecuting studies. The incident occurred at the spur of moment and there is no premeditation for commission of the offence. The investigation is complete. Charge sheet is filed. Considering the age of the applicant, the application warrants consideration. As such, prayed to allow the application.

4. Per contra, learned A.P.P. opposed the application, submitting that the applicant is involved in serious crime wherein one person has lost life. As such, the application may not be considered and the same may be rejected.

5. Upon hearing learned counsel for the applicant and

learned A.P.P. for the State, prima facie, indicates that, the alleged incident has taken place at the spur of moment and there is no premeditation on the part of the applicant. The key ingredient i.e. mens rea to constitute offence of murder is prima facie absent as there was no motive, premeditation or intent. Moreover, the co-accused Soham, along with whom the present applicant fled the scene, is already admitted to bail. Therefore, further detention of the applicant would be unjustified.

6. Nevertheless, the investigation is complete for all intents and purposes. Considering the fact that the applicant is 18 years old and prosecuting his studies, further incarceration of the applicant is unjustified. Accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Suraj Tukaram Sontakke, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution

witnesses.

- (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

fmp/-