



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2428 OF 2025

Ajay s/o Jalba Suryawanshi

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. A.D. Hande, Advocate for applicant
Mr. C.V. Bhadane, A.P.P. for respondent – State assisted by
Mr. A.D. Karande, Advocate for informant

.....

WITH

CRIMINAL APPLICATION NO.105 OF 2026 IN
BAIL APPLICATION NO.2428 OF 2025

Ishwar s/o Ganesh Pawar

... **APPLICANT**

VERSUS

Ajay s/o Jalba Suryawanshi & anr.

... **RESPONDENTS**

.....
Mr. A.D. Karande, Advocate for applicant
Mr. A.D. Hande, Advocate for respondent No.1
Mr. C.V. Bhadane, A.P.P. for respondent No.2 – State

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026

PER COURT :

Criminal Application No.105/2026 is allowed and disposed of. The informant is permitted to assist learned A.P.P.

2. By this application, the applicant seeks his release on regular bail in connection with Crime No.200/2025, registered with Vimantal Police Station, District Nanded for the offences punishable under Sections 103(1), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4/25 of the Arms Act.

3. It is the case of the prosecution that, on 20/5/2025, at about 5.00 p.m., the brother of the informant namely Pravin resolved the dispute between Vinu and Sai Reddy. Sai Reddy and his younger brother Vinu were present there. After resolving the dispute, Pravin returned home and informed that the matter has been settled. As it was the informant's birthday, Pravin went to bring a cake. Thereafter the family cut the cake and had dinner. At about 8.00 p.m., Pravin told the informant that he has received a phone call from his friend and went out of the house. After some

time, Nikhil, friend of Pravin, came to the informant's house and informed him that Sai Reddy, Parth Jadhav and Omya Alias Ajay Suryawanshi had assaulted and stabbed Pravin with a dagger near Gyanmata.

4. Immediately, the informant, Nikhil and Parmeshwar reached on a scooter to Gyanmata School. Near the divider, in front of the school, Pravin was found lying on the road in a pool of blood with stab injuries on various parts of his body. Upon inquiring Nikhil as to what happened, Nikhil reported that Parth Jadhav had called them on the pretext of returning money and brought them near Gyanmata School where Sai Reddy and Omya @ Ajay Surwanshi were present. At about 10.00 p.m., Sai Reddy abused Pravin for interfering with his earlier dispute. Thereafter, it is alleged, all the three accused assaulted Pravin by fists and kicks. When Pravin fell down, Omyya and Parth Jadhav caught hold of his hands and legs and Sai Reddy stabbed him repeatedly with a dagger. Due to fear, Nikhil fled away from the spot. Thus, the accused Sai Reddy, Parth Jadhav and Omya Alias Ajay Suryawanshi, in furtherance of their common intention, assaulted Pravin with deadly weapon, causing him serious injuries.

5. The learned counsel for the applicant submits that, the applicant has been falsely implicated in the alleged crime. It is further submitted that, the main accused namely Sai Reddy and Parth Jadhav have been released on bail. Since the charge sheet is filed, nothing is to be recovered at the instance of the applicant. As such, further incarceration of the applicant is not warranted. Hence, prayed to allow the application.

6. The learned A.P.P. and learned counsel for the informant have opposed the application and submitted that the offence is of serious nature and the applicant had facilitated the co-accused while committed the alleged act. Hence, prayed to reject the application.

7. Having heard the respective counsels for both the sides and upon perusal of record including the charge sheet, indicates that the applicant is aged 20 years and is in custody for more than six months since the date of his arrest i.e. 21/5/2025. Moreover, the statement of witness namely Rohit dated 22/5/2025 indicates that, the co-accused Sai Reddy inflicted blow with knife. The said co-accused have been released on bail. As such, it would be

unjust to deny similar relief to the applicant.

8. Undoubtedly the trial will determine the punishment for the offence. While considering Bail Applications in such facts, Court feels that reform and rehabilitation of the undertrial accused persons needs to be considered especially when age of the accused is young so that the accused gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of the applicant. By considering, this Court is not stamping approval of any of the alleged actions of the applicant regarding the crime in question. Court is also equally conscious of the offence. The applicant has just attained majority. He is young. If the applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and there is every likelihood that he may tread the path of criminality or would waste his life. Incarceration in prison statistically shows that it exposes many youth to abuse. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further

custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the applicant before me and it is only a means to explore an alternative to incarceration so that the applicant can become good citizen.

9. Considering the aforementioned prima facie observations in the present case, absence of criminal antecedents and the applicant's incarceration for more than six months in prison considering his young age is likely to worsen his likelihood of success in every sphere of society and it will expose him to abuse if his incarceration is continued. Hence, I am of the opinion that the applicant can be released on bail.

10. Nevertheless, the investigation is complete for all intents and purposes and considering the number of witnesses which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Ajay Jalba Suryawanshi 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, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-