



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

982 ANTICIPATORY BAIL APPLN NO. 54 OF 2026

**AJAY PANDURANG SURWADE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.S.M.Kulkarni
APP for Respondent-State : Mr.S.A.Gaikwad
Advocate for the informant : Mr.T.K.Sant

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**WITH
CRIMINAL APPLICATION NO. 1090 OF 2026
IN ABA NO.54/2026**

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CORAM : MEHROZ K. PATHAN, J.

DATE : 24.03.2026

P.C. :

1] Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the informant.

2] The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 513/2024, registered with Jalgaon City Police Station, Jalgaon for the offence punishable under Sections 351 (3), 352, 118 (2), 109, 190, 191 (3), 191 (2) of BNS Act, 2023.

3] The case of the prosecution is that crime is registered on the report of informant Raju Bismilla Patel. According to informant previously rival reports are lodged against accused and informant. On 20.11.2024 at about 9.00 a.m. informant, his son Faijan Raju Patel, nephew Rehan alias Janu Sanju Patel and his brother Mehmud Bismilla Patel were standing beside Milk Federation near Surat Railway Gate. At that time while passing from said place Vishal Ajay Surwade was abusing by seeing them and bickering started. At that time suddenly, Raj Ajay Surwade, Prem alias Chhotu Vijay Surwade, Siddharth Wankhede, Mangesh Balu Kajve came with wooden log in their hands, Dinesh Dipak Mane came with wooden plank in hand, Vicky Dipak Mane came with wooden stick and knife and assaulted on the informant and others. At the same time, Dipak Punaji Mane, Bhushan Pandit Rajan. niece of Ajay Surwade, Ajay Pandurang Surwade, applicant and Ravi Janjale assaulted them by pelting stone and bricks. At that time Vishal Ajay Surwade assaulted them by iron rod. Vishal Surwade, Vicky Mane, Prem Surwade assaulted informant by iron rod and wooden log and broken his head due to which he sustained grievous injury. At that time all accused were threatening to kill informant. Raju Surwade, Dinesh Mane, Ajay Surwade, Prem Surwade, Bhushan Rajan, Vishal Surwade assaulted informant's son Faijan Patel by the weapon in their hands due to which he sustained grievous

injury to his head, his hand sustained contusion, he also sustained bleeding injury to his brain. Informant's nephew and brother have also sustained grievous injury to their heads, hence, they are admitted in hospital. All the accused threatened to kill them. Hence the report.

4] The learned counsel Mr.Kulkarni for the applicant submits that the applicant is falsely implicated in the present crime. The basic allegations of assault are against the son of the applicant. The entire family of the son of the applicant is deliberately roped in the present crime to wreak vengeance against the family of the applicant. The applicant has already lost his son in law in the same incident and FIR being Crime No.511/2024 is registered by the son of the applicant wherein the complainant Raju Patel is also an accused. The allegations against the present applicant are general in nature. There are no specific overt act attributed to the applicant about assault and injury sustained by the complainant Raju Patel, his son Faijan Patel and other Mehmud Patel and Rehan @ Janu Sanju Patel. The learned counsel for the applicant further submits that apart from the FIR being Crime No.121/2021, there are no criminal antecedents against the present applicant. The applicant has already lost his son in law in the same incident and being prosecuted now for the assault in the same incident. The applicant is falsely implicated in the present crime. The applicant is ready to abide by any

conditions that may be imposed by this Court. Hence, the applicant may be released on anticipatory bail.

5] As against this, the learned APP Mr. Gaikwad as the learned counsel for the complainant vehemently opposes the present application on the ground that the applicant is having criminal antecedent and there is one crime registered against the present applicant in respect of attempting to commit murder. The applicant is specifically named in the FIR to have assaulted the complainant and his son by means of dangerous weapons. The offence is punishable for life imprisonment. Hence, the applicant may not be released on anticipatory bail.

6] The learned APP further submits that there is CCTV footage, which is recorded and transcript by the police authorities, which shows the presence of the applicant on the spot assaulting the witness Faijan Patel by means of *rail checker*. If the applicant is released on anticipatory bail, there is likelihood that the applicant may again involve in such criminal activities and thereby threaten the prosecution witness and cause prejudice to the prosecution. The injury certificate shows grievous injuries sustained by the complainant and his son. Hence, the applicant may not be released on anticipatory bail.

7] I have gone through the investigation papers made available by the learned APP. The charge sheet is filed in the said crime, which shows that the applicant is absconding, however, the investigation papers shows that there is earlier counter FIR bearing Crime No.511/2024 is at the behest of the son of the applicant wherein the complainant is an accused. The allegations are about committing murder of the deceased, who is son in law of the present applicant. The incident appears to have taken place at the spur of moment and the allegations are general in nature against the present applicant and other accused persons of assaulting the complainant party. The injury certificate though shows that the grievous injuries are sustained by the complainant and his son, however, the same cannot be said directly attributed to the present applicant as there are other assailants also named in the FIR and the supplementary statement recorded during the course of investigation. The possibility of the assault attributed to the applicant being made in private defence cannot be rule out as there are allegations of free fight, where the son-in-law of applicant was also killed. Be that as it may, these observations are prima facie in nature and the same may not influence the trial Court. The apprehensions of the learned APP as well as the learned counsel for the complainant can be taken care of by imposing stringent conditions upon the present applicant. Hence, I am inclined to protect the present applicant. Hence the following order :

ORDER

I] In the event of arrest of the applicant, he be released on furnishing P.R. bond of Rs.50,000/- [Rs. Fifty Thousand], with two solvent sureties in the like amount, in connection with Crime No. 513/2024, registered with Jalgaon City Police Station, Jalgaon for the offence punishable under Sections 351 (3), 352, 118 (2), 109, 190, 191 (3), 191 (2) of BNS Act, 2023, on the following conditions :

A] The applicant is directed to attend the concerned police station and report to the Investigating Officer on 30.03.2026, 31.03.2026, 06.04.2026, 07.04.2026, 13.04.2026 and 14.04.2026 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the Investigating Officer.

B] The applicant shall also co-operate with the investigation.

C] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

D] The applicant shall not enter the jurisdiction of

the Jalgaon City Police Station, Jalgaon till framing of the charge.

8] Needless to say, violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail.

9] The observations made herein above are *prima facie* in nature and shall not influence the Trial Court while deciding the case on its own merits.

10] The Anticipatory Bail Application is disposed of accordingly.

11] In view of the disposal of the Anticipatory Bail Application, the Criminal Application No.1090 of 2026 is also disposed of.

[MEHROZ K. PATHAN]
JUDGE

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