



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPLICATION NO. 1290 OF 2026
IN APEAL/795/2025

Surendra S/o Pandurang Suryawanshi
Age 31 years, Occu: Labour,
R/o ND-43, J-3 Vaibhav Nagar
Hudco, Nanded.

... APPLICANT

...VERSUS...

The State of Maharashtra
Through Nanded Gramin Police Station,
District-Nanded.

... RESPONDENT

Adv. Palnitkar Sanket Shantaram, Advocate for Applicant
Mr. S. R. Wakale, APP for State

WITH
CRIMINAL APPEAL NO. 795 OF 2025

...

CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.

DATE : 20.04.2026

PER COURT :

1. By this application, the applicant i.e. original Accused No. 2 in Sessions Case No. 01/2024 seeks suspension of his substantive sentence of life imprisonment and release on bail. Admittedly, the applicant was an undertrial prisoner and is behind the bars since 02.10.2023.

2. As per the prosecution story, the present applicant along with other two Accused on 01.10.2023 at 11:30 p.m. assaulted their own real brother Narendra Pandurang Suryawanshi by stick and stones at their residence on his head and caused his death.

3. Applicant seeks bail on the ground of parity as similarly situated Accused No. 3 is granted bail by the Coordinate Bench of this Court [Coram : Sandipkumar C. More & Abasaheb D. Shinde, JJ.] vide order dated 09.01.2026 in Criminal Application No. 4426 of 2025.

4. We have perused the order. In the said order it is observed that main role is attributed to Accused No. 1 - Satyendra. The deceased abused Accused No. 1 - Satyendra under the influence of liquor and he even tried to assault Satyendra with the help of wooden log. The present applicant as well as another brother Rajendra (A-3) had in fact caught Narendra and at that time Satyendra by snatching the wooden log from the hands of Narendra (deceased) assaulted him on his head and also hit his head against the stone lying on the floor. Thus, it clearly appears that the main role in this crime is attributed to Satyendra (A-1) and not the present appellant-applicant.

5. Admittedly, the applicant is similarly situated like that of Rejendra (A-3), as the same role is attributed to him.

6. In this view of the matter, the applicant is entitled for bail on the ground of parity. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment of life imposed upon the applicant i.e. Accused No. 2 - Surendra Pandurang Suryawanshi in Sessions Case No. 1 of 2024 under judgment and order dated 01.10.2025, is hereby suspended during the pendency of this appeal.
- (iii) The applicant is released on execution of PR. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- (iv) The application is accordingly disposed of.

[VAISHALI PATIL-JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]