



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

BAIL APPLICATION NO. 309 OF 2026

Sudarshan @ Tubya Dayanand Suryawanshi,
Age 22 years, occ. Labour,
R/o Ravankola, Tq. Jalkot, Dist. Latur

... **Applicant**

VERSUS

The State of Maharashtra,
Through : Police Inspector Jalkot
Police Station, Dist. Latur

... **Respondent.**

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S.
A.P.P. for Respondent/State : Mr. N. D. Dayma

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 6/2024, registered with Jalkot Police Station, District Latur, for the offences punishable under Sections 302, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Section 5/25 of the Arms Act.
3. The applicant is arrested on 14.01.2024, on the same day, when the first information report was lodged. Charge-sheet is filed on 18.03.2024.
4. The applicant is shown to be involved in the offence, in which it is alleged that there were disputes between deceased Mahesh s/o the informant and their relative Amit, who is accused no. 2 for running a business at Ravankola. It is alleged that accused were having grudge against

deceased Mahesh and deceased Vikash. On 13.01.2024 at about 8 a.m. Mahesh and Vikas were assaulted by accused by forming an unlawful assembly. It is alleged that Mahesh was being stabbed by Prakash and Vikas was being stabbed by Amit. Other accused contributed to the assault.

5. Learned counsel Mr. Shailendra Gangakhedkar for the applicant submits that there is inherent inconsistency and improvisation in the statements recorded under Section 180 and 183 of Bharatiya Nyaya Sanhita, 2023. It is submitted that the applicant is falsely implicated in the offence. The postmortem report does not support the allegations. There are no antecedents against the applicant.

6. The submissions are repealed by the learned A.P.P. on the ground that two persons have been murdered brutally. There are two eye witnesses namely Kondabai and Datta. The minor discrepancies in the statements would not help the applicant at this stage. It is vehemently contended that when charge-sheet is filed under Section 149 of the Cr.P.C. individual role surfacing from the police paper receipts the significance.

7. I have gone through the first information report, supplementary statement of the informant and statement of witness Manjusha recorded under Section 181. I find that there is improvisation in the statement of the informant to the extent of involvement of the present applicant. Going by the first information report, only presence of the applicant is seen at the relevant time. Deceased Mahesh is stated to have been assaulted with knife by accused Prakash and deceased Vikash is stated to be assaulted by Amit. Other accused persons including applicant are alleged to have contributed the assault.

8. The prosecution theory is that there are multiple injuries inflicted on the deceased persons including injuries of the smashing of the head of both the deceased. The postmortem reports of both the deceased to the extent of column no. 19 do not correspond to the prosecution story.

9. I find that a reasonable doubt is created for the involvement of the applicant in the incident in question. His presence at the relevant time cannot be ruled out. Merely because section 149 of Cr.P.C. is applicable would not be a ground to deny bail. The totality of the circumstances, role attributable to the accused and further need of detention, are the relevant factors to be taken into account.

10. Learned A.P.P. relied upon the judgment of the Supreme Court in the matter of **Manno Lal Jaiswal Vs. Shobha The State of Uttar Pradesh and anr, in Criminal Appeal No. 97/2022, decided on 25.01.2022**, to buttress that once the presence of the accused is established and charge is under Section 149, then individual role of the overt act would not be significant. There cannot be any quarrel for the proposition, but I am of the considered view that the principles laid down are required to be applied to the facts and circumstances of individual case.

11. One criminal antecedent i.e. Crime No. 103/2021 is reported against the applicant which cannot be said to be a ground for rejection of the application.

12. The Bail Application is allowed.

13. The applicant shall be released on bail in connection with Crime No. 6/2024, registered with Jalkot Police Station, District Latur, for the offences punishable under Sections 302, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Section 5/25 of the Arms Act, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution

evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish information about his whereabouts and furnish cell/mobile number and shall further inform the investigating officer any change in future.

(d) The applicant shall stay away from entire Jalkot Taluka District Latur, till conclusion of the trial.

14. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-