

**ORDER BELOW EXH.5**

(State of Maharashtra Vs Gajanan Surjuse + 2)

1] The accused who has been arrested by the Karanja (Gh) police station in crime no.441/2025 for the offences punishable under sections 109, 115(2), 352 r/w sec.3(5) of the Bharatiya Nyaya Sanhita, 2023 (here-in-after referred to as “the B.N.S.”), is seeking his release on bail.

2] A perusal of the FIR in question will show that the same had come to be lodged on 15-6-2025 at the instance of one Sau. Archana Sanjay Surjuse – a relative of the accused. In terms of the same, she stated that she resides with her husband, son and daughter as also that her brother-in-law Gajanan Surjuse – who is elder to her husband, resides with his wife and his son, as their neighbours. Further, the informant stated that her husband is having an illicit relationship with his sister-in-law i.e. the wife of the present accused since many years, which had resulted in they having disputes on the said point since long. Due to this, neither of the two families were on talking terms with the other. The FIR then went on to state that on 14-6-2025 at about 8.30 p.m. the informant was sitting in front of the gate of her house while her husband and son were standing on the road. At that time, the accused no.3 i.e. the wife of the present accused came out of her house while giving abuses, went near the informant, caught hold of her hair and after pulling her, threw her down on the road. The said accused no.3 then started assaulting the informant with fists and legs. When the informant’s husband and son came to resolve the said dispute, her i.e. the informant’s brother-in-law Gajanan Surjuse the present accused and his son Abhay came with an axe and wooden stick in their hands after which they assaulted the informant’s husband Sanjay with the same on his head and back. Similarly, the informant’s son Sumit was also assaulted by them on his head and left hand with the axe and stick due to which they suffered bleeding injuries.

This then resulted in the lodging of the report as also the arrest of the accused persons. Presently, the present accused is lodged in the jail in Magisterial custody.

3] As per the Advocate for the accused Gajanan Surjuse, the allegations against his client are completely false. This is because, according to him, they had been made only because the informant suspected that her husband and the wife of the present accused were involved in an illicit relationship. The said fact therefore, as per the Advocate for the accused, used to result in the informant abusing this accused and his wife. With regard to the participation of this accused in the crime, it has been stated that the medical evidence is not consistent with the allegations made by the informant as the injuries sustained by the injured ruled out the possibility of the weapons as alleged, having been used in the matter. Consequently, it has been stated that the possibility of a false story having been created cannot be ruled out.

4] Stating that the injured have been discharged from the hospital, that the injury certificate issued by the doctors shows that they had only sustained lacerated injuries caused by a hard and blunt object, thereby disregarding the used of an axe, the said facts as per the Advocate for the accused, makes the prosecution story doubtful. Stating that the informant and her husband are dealing in the sale of illicit liquor in their home which adjoins the home of the present accused due to which they had objected to the same, it has further been stated that more than 22 cases of illicit possession of liquor have been registered against the said informant and her husband. Stating that they were therefore, suspecting that the present accused and his family members were providing information to the police, that nothing incriminating had been found against the present accused during the investigation, that the statement of the material witnesses have

already been recorded, as also that nothing remains to be seized from the accused due to which it is clear that the investigation is practically complete, there is- as per the Advocate for the accused, no proper reason to further detain him in custody. Not only this, but stating that the present accused is a permanent resident of village Pipri, Tah. Karanja, Dist. Wardha and that there is no possibility of he absconding or tampering with the prosecution witnesses, it has been contended that he is therefore entitled to bail. Further, stating that he will abide by the all terms and conditions which may be imposed upon him, he as per his Advocate, is entitled to the relief claimed.

5] The Investigating officer has filed his reply (Exh.7). The facts of the incident have first been stated after which the application for bail as come to be opposed. According to the Investigating officer, the accused if released on bail will again try to kill the injured, which possibility cannot be ignored. Further, stating that the accused persons may threaten the witnesses and prevent them from giving their statements, that the accused will not co-operate in the investigation of the crime which is extremely serious in nature, the Investigating officer is seeking the rejection of the application.

6] Heard Shri M.D. Taori Advocate for the accused and Shri Ghude the Id. APP for the State. It will also have to be noted that by this time the charge-sheet bearing Sessions Case No.61/2025 regarding the crime in question has been filed and is pending before me. The fact of the investigation having been completed is therefore, quite clear. In the course of his argument Shri Taori has referred to the order dtd.26-11-2025 passed of the Hon'ble Bombay High Court in Criminal Application (BA) No.1198 of 2025 Abhish @ Abhay s/o Gajanan Surjuse Vs The State of Maharashtra, in terms of which the son of the present accused who is the accused no.2, was

released on bail. Therefore, stating that a co-accused had already been released on bail in the crime in question and as nothing in the remains to be investigated, even the present accused as per Shri Taori Advocate is entitled to bail. On the other hand, Shri Ghude the ld. APP has strongly opposed the application. He had pointed out that grievous injury had been caused to the informant's husband and son on vital parts of their body and that the offence under section 109 of the BNS carries the punishment of imprisonment which may extend to 10 years and may even extend to imprisonment for life. Consequently, he is seeking the rejection of the application.

7] Here, it will have to be noted that in the facts of the matter before me, the accused no.2 Abhish @ Abhay Surjuse was shown to have caused grievous injuries by using an axe. Even in such circumstances, the Hon'ble High Court has considered the fact of the accused no.2 Abhish @ Abhay Surjuse being a student and of the denial of bail to him adversely impacting his academic progress and future prospects. Prima facie, the present accused Gajanan Surjuse had only used a wooden stick in the assault. Therefore on the ground of parity, even this accused can be said to be entitled to bail, on certain conditions, specially as the investigation is complete and as appropriate conditions can be imposed upon the accused to prevent him from absconding and tampering with the evidence. In the result, I proceed to pass the following order.

**ORDER**

1] The accused Gajanan Deorao Surjuse who is arrested in Crime No.441/2025 registered by Police Station Karanja (Gh.) for the offences punishable under sections 109, 115(2), 352 r/w sec.3(5) of BNS is released on bail on executing a P.R. bond of Rs.20,000/- and furnishing one solvent surety in the like amount on the following conditions-

- a) That he shall not enter village Pipri, Tah. Karanja (Gh), Dist. Wardha till the conclusion of trial in crime no.441/2025 as register by Police Station Karanja (Gh.), Tah. Karanja (Gh), Dist. Wardha till its conclusion.
- b) That he shall not tamper with the prosecution witnesses in any way.
- c) That he shall report to the Karanja (Gh) Police Station of each Sunday till the conclusion of trial.
- d) That he shall furnish the details of three of his blood relatives along with the necessary documents regarding their identification and address.

Date : 03.12.2025

(Ms. S.J. Ansari)  
Addl. Sessions judge, Wardha.

**Certificate**

“I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,  
Stenographer G-1