



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(@ SPECIAL LEAVE PETITION (CRL.) NO(S). 1940 OF 2026)

BALAJI SHIVAJI SURWASE

APPELLANT

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 04.11.2025 passed by the High Court of Judicature at Bombay, Circuit Bench at Kolhapur in Criminal Bail Application No.2560/2025.

The appellant herein has been booked for the crime registered pursuant to FIR No. 294/2017 dated 25.11.2017 lodged with Pangri Police Station, District Solapur Rural with respect to offences punishable under Sections 302, 307, 120B, 147, 148, 149, 323 of the Indian Penal Code, 1860 ("IPC") and under Sections 4 and 25 of the Arms Act, 1959.

An application seeking regular bail having been rejected by the High Court *vide* impugned order dated 04.11.2025, the appellant has preferred the instant

appeal.

This Court *vide* its order dated 06.02.2026, issued notice in the instant matter.

Heard learned counsel for the appellant in support of the appeal and learned counsel for the respondent-State and perused the material on record.

Learned counsel for the appellant submitted that totally there were eleven accused persons, seven have been granted regular bail, one accused is absconding and another accused is since deceased; that the appellant is in jail since 04.12.2017, a little more than eight years and the trial has not commenced at all; that as many as forty witnesses are to be examined and inevitably the trial would be delayed. In the circumstances, having regard to the long incarceration of the appellant and on the principle of parity, the appellant may be released on bail subject to the terms and conditions that may be imposed by this Court by allowing this appeal and setting aside the impugned order.

Per contra, learned counsel for the respondent-State with reference to the counter-affidavit contended that the allegations as against the appellant herein are serious; that it is a case of double murder and for genuine reasons, the trial has

not commenced. However, there is one accused who is absconding and if any relief is to be granted to the appellant herein, there is every chance of this appellant also absconding in which case the trial itself would be jeopardized. She therefore submitted that there is no merit in this appeal and the same may be dismissed.

Considering the facts on record, We find that having regard to the long incarceration of the appellant herein for over eight years and the fact that the trial has not yet commenced and there being as many as forty witnesses to be examined, the relief of bail ought to be granted to the appellant herein as other similarly placed accused have been granted the relief of bail by setting aside the impugned order.

We, therefore, allow this appeal and direct as under:

"The appellant shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 294/2017 mentioned above."

It is directed that the appellant shall extend complete cooperation in the trial of the instant case.

The appellant shall not misuse his liberty in any manner.

The appellant shall not make any attempt to contact any of the witnesses in the case.

Any infraction of the conditions may entail cancellation of the bail granted to the appellant.

With these observations, the appeal is allowed.

....., J
(B.V. NAGARATHNA)

....., J
(UJJAL BHUYAN)

NEW DELHI
APRIL 2, 2026

ITEM NO.6

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).
1940/2026

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 04-11-2025 IN CRBA NO. 2560/2025 PASSED BY THE HIGH COURT OF JUDICATURE CIRCUIT BENCH AT KOLHAPUR]

BALAJI SHIVAJI SURWASE

PETITIONER(S)

VERSUS

STATE OF MAHARASHTRA

RESPONDENT(S)

FOR ADMISSION AND I.R.

IA NO. 34878/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA NO. 34879/2026 - EXEMPTION FROM FILING O.T.

IA NO. 34880/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 02-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Jaydeep Mane, Adv.
Mr. Yash Fadtare, Adv.
Mr. Sudhanshu Kumar, Adv.
Mr. Anubhav Lamba, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Rajat Kumar, Adv.
Mr. Pulkit Agarwal, AOR

For Respondent(s) : Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order,
which is placed on file.

Pending application(s), if any, shall stand
disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)