

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 ANTICIPATORY BAIL APPLICATION NO. 1178 OF 2022

RAMDAS POPAT BHINGARDIVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Sunita G. Sonawane
APP for Respondent-State : Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.
DATED : 19 SEPTEMBER 2022

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent State.
2. It has been alleged in the FIR that the applicant assaulted the first informant with sickle on his left hand in front of the Mhaske Hospital. Learned counsel for the applicant has vehemently argued that the allegations are false and made only with a view to send the applicant behind the bar, so that he may lose his job. The applicant is in public service. Fortunately, the CCTV footage of the incident has been on record of the police. The learned APP has fairly

conceded that in the CCTV footage the applicant was seen merely present on the spot of the incident. He was not even armed with the so-called sickle.

3. The incident happened in two parts. In the first part also there are allegations of assault on him by the son of the applicant. The injured has injury on his left hand due to sickle. The possibility of causing injury in the first part of the incident cannot be ruled out.

4. Considering the facts of the case and the evidence produced by the police, the allegations levelled against the applicant appear to be incorrect. The applicant is in public service. He is the sole bread winner of his family. The entire family depends on him. If there was no evidence of CCTV footage, the Court would have believed the allegations in the FIR and rejected the bail application. But the CCTV footage, which is part of the police record, reveals that the allegations are not correct that the applicant assaulted the injured with sickle. No one should be unnecessarily sent behind the bar. The applicant was seen merely present on the

spot of the incident. He did not overt act and nothing is to be recovered from him. Thus, he deserves anticipatory bail. Hence, the following order:

ORDER

- I. The application is allowed.
- II. In the event of arrest, the applicant Ramdas Popat Bhingardive be released on bail on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount in Crime No. 223/2022, registered with Ahmednagar Camp Police Station, District Ahmednagar, for the offence punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of the IPC and Section 4/25 of the Arms Act, on the condition that he shall attend the police station as and when called by the Investigating Officer.

[S. G. MEHARE, J.]