



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1497 OF 2025

Pawan Santosh Bendwal

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Kulkarni Suniket Anil
APP for Respondents: Mr. K.N. Lokhande.

CORAM : MEHROZ K. PATHAN, J.
DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. The applicant has approached this court, seeking grant of anticipatory bail in connection with Crime No. 0229 of 2025, registered with Shirpur City Police Station, District Dhule for the offences punishable under Sections 109, 115-2, 118-1, 118-2, 189-4, 191-2, 191-3, 190 of Bhartiya Nyaya Sanhita.

2. On 28.04.2025, at 1.30 p.m. the applicants/accused and co-accused armed with sword, axe, iron rod, sticks, stones and bricks came in front of the house of informant Amar and asked them as to why they have not sent Sujal and Poonam out of Shirpur town. Thereafter, co-accused Ajay Bendwal, Mohan Bendwal, Rahul Bendwal and Meghraj Bendwal assaulted Tarachand Sarsar by an axe, iron rod and sticks on his head, chest and legs. Informant Amar went to rescue him. However, applicants/accused and co-accused assaulted complainant, Ganesh Sarsar, Sujal Sarsar and Rohan Sarsar by the iron rods, sticks and stones. The accused Pawan inflicted the blow of sword on the chest of Rohan.

The women co-accused assaulted Radha Sarsar by stones and bricks. The injured were admitted to cottage hospital, Shirpur. Thereafter, informant Amar lodged the report. As such, Crime is registered.

3. It is the submission of the learned counsel for the applicant that the identically placed accused persons, namely, Narayan Bendwal, and Vijay Bendwal have been released on bail. The role against the present applicant is that of assaulting the witness Rohan by means of Iron sword. The learned counsel for the applicant submits that since the general role is attributed to the applicant and the fact that other accused persons Narayan and Vijay are already released by this Court vide order dated 18.8.2025 passed in ABA No. 900 of 2025 and the order dated 9.7.2025 passed in ABA No. 1152 of 2025 in case of Vijay Bendwal. The applicant may be extended the same benefit of grant of anticipatory bail as the applicant is ready to abide by any conditions that may be imposed.

4. As against this, the learned APP, vehemently opposes the application on the ground that the offence is serious in nature, wherein, 10 to 20 people are alleged to have used dangerous weapons to cause grievous hurt to the complainant. In the assault, Amar, Sujal, Tarachand Sarsar, have been injured in the assault. Tarachand has received grievous injury. Other people have also received injuries. The applicant is attributed role of assaulting Rohan. Even though Rohan has sustained simple injuries, however, the weapon is recovered on the spot. The applicant is involved in two offences. One is Crime NO. 129 of 2019, another is Crime NO. 29 of 2017. Thus, looking to the gravity of the offence and the role attributed to the present applicant, the applicant may not be released on bail.

5. I have seen the investigation papers made available by the learned APP and perused the injury certificate of injured Rohan. Perusal of the same would reveal that he has received simple injuries. The

applicant is alleged to have used iron sword to assault witness Rohan Sarsar. However, probable weapon used column shows that a hard and blunt object which has caused such injury on Rohan. The injuries are abrasion, blunt trauma, which is found to be simple by the Doctor. Perusal of the order dated 9.7.2025 in ABA No. 1152 of 2025 and dated 19.8.2025 in ABA No. 900 of 2025 would show that the similarly situated accused are already protected by this Court.

6. Learned advocate for the applicant has made available for our perusal the order passed in crimes allegedly registered against the applicant as informed by the I.O. So far as offence No. 129 of 2019 is concerned, the applicant does not appear to be one of the accused as per the judgment acquitting all the accused persons dated 25.5.2022 passed by the learned Sessions Judge, Dhule in Sessions Case No. 16 of 2022. Thus, the said crime cannot be said to be pending as against present applicant so as to be considered as a Criminal Antecedent against the applicant.

7. So far as Crime No. 29 of 2017 is concerned, the learned counsel for applicant has placed on record the judgment in aforesaid crime after trial, wherein, the applicant is acquitted in the aforesaid offence for the charge of committing dacoity by forming an unlawful assembly. I have perused the order dated 3.2.2023 passed in Sessions Case No. 33 of 2018 passed by the Learned Sessions Judge, Dhule. Thus, considering the aforesaid fact that one of the criminal antecedent does not even exist against the applicant, whereas, in the other crime, the applicant is acquitted for the charge of dacoity. I am, therefore, inclined to protect the applicant. So far as the apprehension of the learned APP is concerned, the same can be taken care of, by imposing stringent conditions. Hence, the following order :-

O R D E R

[I] The application is allowed ;

[ii] The applicant – Pawan Santosh Bendwal, be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000/- in connection with Crime No. 0229 of 2025, registered with Shirpur City Police Station, District Dhule for the offences punishable under Sections 109, 115-2, 118-1, 118-2, 189-4, 191-2, 191-3, 190 of Bhartiya Nyaya Sanhita, on the following conditions.

[i] The applicant shall attend the I.O. once in a week till filing of charge sheet.

[ii] The applicant shall not enter the jurisdiction of Shirpur Taluka till recording of evidence of 4 injured witnesses, except for attending the police station, as directed above, with the permission of the Poice Inspector, Shripur.

[iii] It is made clear that a single violation of aforesaid condition would entitle the prosecution to seek cancellation of bail of the applicant.

[iv] The applicant shall submit his current address alongwith Adhar and Pan Card to the I.O. alongwith addressed and mobile numbers of two of his relatives.

[v] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-