



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

ANTICIPATORY BAIL APPLICATION NO. 1673 OF 2025

1. MOHAN BHIKA BENDWAL
2. RAHUL SANTOSH BENDWAL
3. AJAY MOHAN BENDWAL
4. MEGHRAJ BHAGWAN BENDWAL
5. AKASH RAJU BENDWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Mayure Pramod C.

Addl.PP for Respondents/State : Mr. A.S. Shinde

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CORAM : MEHROZ K. PATHAN, J.

DATE : 1st DECEMBER 2025

PER COURT :

1. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.229/2025 registered with Shirpur City Police Station, Taluka Shirpur and District Dhule for the offences punishable under Sections 109, 115(2), 118(1), 118(2), 189(4), 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023.

2. At the outset, the learned Counsel Mr. Mayure for the Applicants seeks permission to withdraw the application to the extent of Applicant No.2/Rahul Santosh Bendwal, Applicant No.3/Ajay Mohan Bendwal, Applicant No.4/Meghraj Bhagwan Bendwal, as this Court was not inclined to grant anticipatory bail to them.

3. Permission is granted. The application is disposed of as withdrawn to the extent of Applicant No.2/Rahul Santosh Bendwal, Applicant No.3/Ajay Mohan Bendwal, Applicant No.4/Meghraj Bhagwan Bendwal.

4. Insofar as the Applicant No.5/Akash Raju Bendwal is concerned, the learned Counsel for the Applicants submits that Akash is already surrendered before the learned Court and released on regular bail. Thus the application is also disposed of withdrawn to the extent of Applicant No.5/Akash Raju Bendwal.

5. Sofar as the Applicant No.1/Mohan Bhika Bendwal is concerned, it is the submission of the learned Counsel for the Applicants that the Applicant No.1 is aged 72 years and wrongly shown as an accused in the present crime. The allegations as against Mohan are general in nature, however the complainant has exaggerated the role of each of the accused persons and the Applicant No.1 who is old man aged 72 years is also attributed the role of assault in the present crime. He therefore submits that the Applicant No.1 is ready to abide by any conditions that may be imposed by this Court. As there is only general nature of allegations against the entire family members and that there are no criminal antecedents as against the Applicant No.1, Applicant No.1 is ready to abide by the conditions that may be imposed by this Court.

6. As against this, the learned APP vehemently opposes present application insofar as Applicant No.1/Mohan is concerned. It is his submission that the first informant and the injured witnesses

have specifically stated the role of Applicant No.1, as one of the main assailants who injured them with an iron rod. He further submits that the perusal of the injury certificate of Tarachand dated 28.04.2025 by Cottage Hospital Shirpur, Dhule would show that the injured witness have received one grievous injury apart from three other simple injures. One contused lacerated wound is found on the left temporal region over the injured Tarachand. Hence looking to the evidence collected by the prosecution, the Applicant No.1 may not be released on bail.

7. I have seen the case diary and the investigation papers made available by the learned APP. The transcript of the CCTV footage is prepared by the Investigating Officer with the assistance of one witness Sanjay and one technician Asish. The perusal of the CCTV footage shows that there are various other accused persons who are also seen to be present and attributed an overt act of assault against the complainant party. That some of the accused are already released on regular either by the learned Sessions Court or by this Court. One of such orders, granting anticipatory bail to an accused, was passed by this Court vide order dated 26.03.2025. The said accused, namely Suraj Bendwal, is reflected in the CCTV footage transcript prepared by the Investigating Officer with the assistance the witness. Taking into consideration the role of all other accused persons, this Court has expressed its disinclination and therefore the learned Counsel for the Applicants has sought liberty to withdraw the application insofar Applicant No.2/Rahul Santosh Bendwal,

Applicant No.3/Ajay Mohan Bendwal, Applicant No.4/Meghraj Bhagwan Bendwal are concerned. However looking to the advanced age of the Applicant No.1 and that there are no criminal antecedents of the Applicant No.1/Mohan and that the allegations as could be seen in the CCTV panchanama transcript would show that the same are general in nature, in my opinion the custodial interrogation of the Applicant No.1 may not be necessary. The investigation is almost complete and the charge-sheet is likely to be filed. However the investigation papers show that the statements of various witnesses, the transcribed panchanama, and other seizures have already been recorded by the Investigating Officer. The apprehension of the learned APP that Applicant No.1 may flee from the ends of justice and indulge in identical offences, create a law and order problem can be addressed by imposing stringent conditions upon Applicant No.1. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant No.1 - Mohan Bhika Bendwal in connection with Crime No.229/2025 registered with Shirpur City Police Station, Taluka Shirpur and District Dhule for the offences punishable under Sections 109, 115(2), 118(1), 118(2), 189(4), 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing PR. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) Applicant No.1/Mohan Bhika Bendwal shall attend the concerned police station on Saturday of every week between 12:00 pm. to 02:00 pm. till the filing of the charge-sheet and thereafter as and when called by the Investigating Officer.

(b) Applicant No.1 shall not tamper with the prosecution evidence and shall not influence the witnesses.

(c) A single violation of the conditions would entitle the prosecution to seek cancellation of bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

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