



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 899 OF 2025

Suraj Rajesh BendwalApplicant

VERSUS

The State of MaharashtraRespondent

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Mr. S. A. Kulkarni, Advocate for Applicant.
Mrs. M. L. Sangeet, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 23 JUNE, 2025.

P. C. :

1. The Applicant has filed this Application as he apprehends arrest. The proceedings relate to C.R. No. 229/2025 registered by Shirpur (City) Police Station, Dist. Dhule. The First Information Report (for short '**FIR**') is lodged on 28 April 2025 at 20.32 hours. The sections invoked are 109, 115(2), 118(1), 118(2), 189(4), 191(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**'). The date of the alleged incident is noted as 28 April 2025 from 13.30 hours to 20.08 hours. There are 23 accused persons as noted in the FIR. This Applicant is Accused No. 4 in the FIR. The Informant is one Amar Nandu Sarsar ('**Amar**' for short), aged 39 years.

CASE IN THE FIR :-

2. The Informant Amar and the Applicant/accused reside at Ramdevbaba Nagar, Shirpur. The Informant's cousin Sujal had performed love marriage with one Poonam, a girl from the community of the Applicant/accused. Hence, there was dispute between the two families. The Applicant/accused and co-accused told Informant Amar and his family members not to permit Sujal and Poonam to reside in Shirpur town. On 28 April 2025, at about 1.30 pm the Applicant/accused and co-accused armed with sword, axe, iron rod, sticks, stones and bricks came in front of the house of the Informant and asked them as to why they have not sent Sujal and Poonam out of Shirpur town. Thereafter the co-accused Ajay Bendwal, Meghraj Bendwal and Rahul Bendwal assaulted Tarachand Sarsar by axe, iron rod and sticks on his head, chest and legs. Informant Amar went to rescue him however, Applicant and co-accused Ganesh Sarsar, Sujal Sarsar and Rohan Sarsar assaulted him with iron rods and sticks. Co-accused Pawan inflicted a blow of sword on the chest of one Rohan. The women accused assaulted one Radha by sticks and bricks. The injured were admitted in the Hospital at Shirpur. In

such circumstances, the Informant lodged report on the basis of which the present FIR came to be registered.

SUBMISSIONS :

3. The learned Advocate for the Applicant at the very outset drew attention of the Court to the FIR lodged and would submit that though there is a case of assault, there is no specific role attributed to this Applicant. He was only present on the date and time of the incident. Besides this, there is no contribution of the present Applicant mentioned in the FIR in the alleged assault. There is no supplementary statement recorded which would disclose his name as far as the assault is concerned. The assault as it comes out from the FIR was as a result of family dispute and appears to have taken place at the heat of moment. He would submit that Applicant has no criminal antecedents. He would also submit that many of the other accused persons i.e. Accused Nos. 8, 15, 16, 17, 18, 20 and 21 have been enlarged on bail by the Trial Court. The alleged weapons have been completely recovered. In such circumstances, the Applicant should be granted anticipatory bail. There is also no necessity of custodial interrogation in the given factual matrix.

4. On the other hand, the learned APP has vehemently opposed the Application. She would submit that the nature of accusations are serious. The nature of injuries is grievous. She would refer to the injury certificate to point out that the fracture to Tarachand is grievous in nature. She would not dispute the fact that the weapons are recovered. She would also not dispute that no specific role as regard the present Applicant has been attributed in the FIR. However, she would submit that the eye witnesses have seen this Applicant at the spot. In such circumstances, in her submissions, the custodial interrogation of the Applicant is required and hence, the Application should be rejected.

FINDINGS :

5. Heard learned Advocate for the Applicant and learned APP for the State and with their assistance perused the record.

6. What I gather from a bare perusal of the FIR is that at the time of the alleged incident of assault, there were several persons present at the spot including the present Applicant. Those persons were allegedly found with swords, sticks, iron rods, sickles, bricks and stones. From the FIR it appears that the alleged incident seems

to be a fall out of a family feud. These persons as named in the FIR have played a specific role in the assault. Their alleged role with the weapons used is also enumerated in the FIR. However, there is no mention about the specific role attributed to the Applicant in the alleged assault and/or dangerous weapons used by him besides the fact that he was present on the spot which is also corroborated by the eye-witnesses as submitted by the learned APP. For such reasons Sections 118(1) and 118(2) are prima facie not attracted qua this Applicant. Offences under most of the other sections invoked in the FIR are bailable.

6. It is true that as submitted by the learned Advocate for the Applicant, many of the accused persons in the FIR have been enlarged on bail. It is also true that the weapons used in the alleged incident are fully recovered. It is a matter of record that this Applicant has no criminal antecedents as submitted to the Court. The learned Advocate for the Applicant would submit that the Applicant would continue to fully co-operate with the on going investigation. In such factual complexion, a prima facie case for granting anticipatory bail is made out. Though investigation is the right of prosecution, considering the factual complexion in the

instant case, in my view, does not warrant custodial interrogation of the Applicant.

7. Considering the above, the following order would meet the needs of justice.

ORDER

(i) In the event of arrest of the applicant Suraj Rajesh Bendwal, in connection with C.R. No. 229/2025, registered with Shirpur (City) Police Station, Dist. Dhule, for the offences punishable under Sections 109, 115(2), 118(1), 118(2), 189(4), 191(2), 191(3) and 190 of BNS, the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on every Monday at 11.30 am. He is further directed to co-operate the investigation.

(iii) The applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

(iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any

manner whatsoever.

8. The Application is allowed in the above terms.
9. Needless to mentioned that these observations are only for the purpose of adjudicating this anticipatory bail application and the order is passed qua present Applicant Suraj Rajesh Bendwal only.

(ADVAIT M. SETHNA)
Judge

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