IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 ANTICIPATORY BAIL APPLICATION NO. 1414 OF 2026 WITH
CRIMINAL APPLICATION NO. 3786 OF 2026
IN ABA/1414/2026

Popat Vitthal Bhingare ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. P. V. Ambade, Advocate for Applicant
Mr. S. P. Joshi, APP for the State.
Mr. U. A. Sayyad, Advocate holding for Mr. K. N. Shermale, Advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 8th OCTOBER, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 0247/2026, registered with Shrirampur Taluka Police Station, District Ahilyanagar, for the offences punishable under Sections 109, 118(1), 118(2), 352, 351(2), 351(3), r/w 3(5) of Bharatiya Nyaya Sanhita.

2. First Information Report indicates that the incident had occurred on 06.062026 in which the informant is said to have been assaulted by present Applicant and two other accused persons.

There is allegation against the Applicant that he assaulted the informant on his head whereas co-accused assaulted him on left eye.

3. Learned Counsel for Applicant submits that there are disputes between the parties and owing to the said disputes, possibility of false implication is not ruled out. It is submitted that the grievous injury caused on the eye of the informant is attributable to the co-accused, who has been now enlarged on regular bail by Sessions Court by order dated 01.07.2026 passed in Criminal Bail Application No. 132/2026. It is his submission that having regard to the said fact, liberty of the Applicant deserves to be protected.

4. Learned APP opposed grant of protection of the Applicant by referring to the allegations against him in the First Information Report as well as injury certificate placed on record.

5. Learned Counsel for the informant submits that there are two injuries caused to the informant and unless trial is conducted, it is not possible to ascertain which injury is attributable to which accused.

6. When this application was moved for the first time for ad-interim relief, learned Counsel for the informant, relying upon the injury certificate made a positive statement that grievous injury is attributable to the present Applicant. Considering the said statement, no relief was granted to the Applicant then.

7. Now, there is evidence on record to indicate that the grievous injury was attributed to the co-accused and not to the present Applicant. This is absolutely clear from the order passed by the Sessions Court while granting regular bail to the co-accused. Infact, it does not lie in the mouth of the informant that the grievous injury or same grievous injury also is attributable to the present Applicant. Having regard to the fact that the injury attributable to the present Applicant is simple in nature and considering the disputes between the parties, possibility of over implication exists. Having regard to these facts, application deserves to be allowed. In case any recovery is to be done, Applicant shall be treated in the custody of police for the said purpose. Hence, the following order :-

ORDER

(i) In the event of arrest of applicant Popat Vitthal Bhingare, in connection with 0247/2026, registered

with Shrirampur Taluka Police Station, District Ahilyanagar, for the offences punishable under Sections 109, 118(1), 118(2), 352, 351(2), 351(3), r/w 3(5) of Bharatiya Nyaya Sanhita, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station on 15.10.2026 and thereafter on written intimation.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

8. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI, J.)

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