

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

932 ANTICIPATORY BAIL APPLICATION NO.1243 OF 2021

1) Pohlya Bokha Valvi,
3) Dinesh s/o Biljya Valvi,
4) Gurudas s/o Pohlya Valvi,
5) Dhankya @ Dankya s/o Pohlya Valvi ...Applicants.

VERSUS

The State of Maharashtra ...Respondent.

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Mr. Suniket Anil Kulkarni and Ms. Rutuja L.Jakhade, Counsel for applicants

Mr. V.S.Badakh, APP for respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 03rd DECEMBER, 2021

PER COURT:

1] The First Information Report (for short, 'FIR') was registered vide Crime No.349 of 2021 with Mhaswad Police Station, Dist. Nandurbar on 31.08.2021 by Vasant Valvi for the offence punishable under Sections 436, 457, 380, 109, 143, 147, 149, 504 and 506 of Indian Penal Code (for short, 'IPC').

2] The case of the prosecution is that there is dispute amongst two families on account of boundary mark of agricultural field. One person from the opposite side was murdered. The family of the opponents were suspecting that some of the accused were involved in engaging the assailants in said murder. The complainant and his family members were apprehending danger from the accused and

hence, they left the village. Attempts were made to resolve the differences by holding meetings in the village. The accused No.1 had allegedly stated that the house of the complainant and his relatives be set on fire. In pursuance to that, two houses were set on fire. The accused also committed theft of articles from house.

3] Learned counsel for the applicants submit that the applicants are not concerned with the dispute between the two families. They are not close relatives of the co-accused with whom the complainant is having dispute. The directions to burn houses of the victims were allegedly given by other other accused. There is no eye-witness to the incident. Applicants are falsely implicated. The FIR doesn't attribute overt act to the applicant.

4] Learned APP submitted that the statements of witnesses were recorded during the course of investigation. The applicants were in connivance with the co-accused and instigated the villagers to see that the complainant and others do not enter into the village, as they were involved in the case of murder.

5] *Prima facie* on perusal of the FIR, it appears that there is no clear role attributed to the applicants. There is no material to show that applicants had set the house on fire on instigating others to do so.

6] I have perused the statements of the witnesses, which are part of investigation papers. The witnesses have not stated that the applicants had instigated any person to set houses of the victims on fire.

7] Considering the aforesaid circumstances, the interim protection granted to the applicants can be confirmed. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1243 of 2021 is allowed.
- (ii) The interim protection granted vide order dated 20.10.2021 is confirmed.
- (iii) In the event of arrest in connection with Crime No.349 of 2021 with Mhaswad Police Station, Dist. Nandurbar, the applicants are directed to be released on bail on P.R.Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount.
- (iv) Applicants shall report the Investigating Officer on 13th, 14th and 15th December, 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)