



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 ANTICIPATORY BAIL APPLICATION NO. 350 OF 2024

1. Sakarya Revla Vasave
2. Dilip @ Dilya Ranchod Parmar
3. Dilavarsing Pisa Vasave
4. Jaysing Revla Vasave ...Applicants

Versus

The State of Maharashtra and another ...Respondents

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Advocate for Applicants : Mr. Bharat S. Doifode

APP for Respondents: Mr. P.K. Lakhotiya

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.200 of 2023 registered with Molgi Police Station, district Nandurbar, for the offences punishable under Sections 323, 324, 380, 452, 427 r/w 34 of the Indian Penal Code.

2. It is the prosecution's case that on 12.6.2023, there was quarrel in the marriage of son of one Dilawarsingh at the informant's village. It is alleged that the applicants and co-accused came to the house of the informant under the influence of liquor and asked the informant's husband why they did not help in the marriage. They assaulted the informant's husband with fist and kick blows. It is alleged that due to fear of the applicants, the informant's husband ran

away. Then applicants damaged the household articles which were in the house of the informant. It is alleged that the said matter was settled at the intervention of the villagers. It is alleged that on 20.6.2023, around 4.00 p.m. when no male member was present in the house of the informant, at that time, the applicants barged in the house of the informant with sickle and wooden stick. They damaged the household articles of the informant and took away the pair of oxen. The informant came to know that they sold the said pair of oxen in the market. Thereafter, on the report of the informant, the offence is registered against the applicants.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. There is delay of 6 months in lodging the complaint. The police have recovered one Ox. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicants assaulted the informant's husband and damaged the household articles on the ground that the husband of the informant did not help in the marriage of son of Diwalarsingh. Thereafter, they again caused damage to the household articles of the informant and took away a pair of oxen after 8 days of the earlier incident. The

informant could not file the complaint within time as she had been to the labour work hence there is a delay in lodging the F.I.R.. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. There is delay of 6 months in lodging the F.I.R. The allegations against the applicants are regarding the damage of the property. Though the allegations are that earlier the informant's husband was assaulted by the applicants, but no complaint was filed in that regard. Considering the allegations against the applicants, their custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicants vide order dated 7.3.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)