



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2025

Damnya Retha Tadv
VERSUS
The State Of Maharashtra

...

- Mr. S. A. Kulkarni, Advocate for Applicant
- Mr. P. D. Patil, APP for Respondent - State

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 03.12.2025

PER COURT :

1. Leave is sought to correct the name of the applicant. Leave is granted. The correction be carried out forthwith.
2. Heard learned counsel for the applicant and the learned APP for the respondent-State.
3. The applicant has approached this Court apprehending arrest in connection with FIR No. 97 of 2025 dated 20.06.2025, registered with Dhadgaon Police Station, District Nandurbar for the offences punishable under Sections 324(5), 352, 351(3), 115(2), 190, 191(2), 189(2), 326(g) of the Bharatiya Nyaya Sanhita, 2023.
4. The prosecution case, in brief, is that on 16.06.2025 at about 8.00 p.m., the accused persons came to the house of the informant.

Accused Shiva questioned the informant's brother regarding his police statement given in the year 2002 in a murder case. Thereafter, the accused persons abused and assaulted the informant and his brother with fists and blows and issued threats to life. It is alleged that some of the accused set fire to the informant's house, due to which the informant and his family members, including children, were forced to come out. As a result of the said incident, loss to the tune of Rs.1,26,500/- was caused. The FIR came to be lodged on 20.06.2025, and the crime was registered accordingly.

5. Learned counsel for the applicant submits that the applicant – Damnya Retha Tadvi has been falsely implicated due to previous enmity arising out of a land dispute between the applicant and the complainant. It is further submitted that considering the delay of four days in lodging the FIR, the complaint appears to be an afterthought with an intention to falsely implicate the applicant and his family members. The learned counsel further points out that the co-accused, namely Aabesing Damnya Tadvi, son of the applicant, was arrested and has already been released on regular bail. Considering the age of the applicant (67 years) and as custodial interrogation is not necessary, and since the applicant is ready to abide by any conditions imposed by this Court, he may be granted anticipatory bail.

6. As against this, the learned APP vehemently opposes the application and submits that the applicant is involved in a serious offence punishable under Section 326(g) of the Bharatiya Nyaya Sanhita, which carries a punishment of up to ten years' imprisonment. It is submitted that there are direct allegations against the present applicant of setting fire to the dwelling house of the complainant. The applicant is a resident of the same village and there is every likelihood of repetition of cognizable offences, thereby disturbing peace and tranquility of the village.

7. I have gone through the First Information Report, investigation papers placed on record by the learned APP and also the order granting regular bail to the co-accused Aabesing Damnya Tadvī, wherein delay in lodging of the FIR has been noted. The perusal of the investigation papers reveals that there is no injury certificate on record in respect of the complainant Vilas Tadvī or his brother Anand Tadvī to substantiate the allegation that they were assaulted by fist and kick blows by the family members of the applicant. The only medical paper found on record pertains to Vesti Tadvī, mother of the complainant Vilas Tadvī and Anand Tadvī, which does not disclose any injury sustained by her. The case diary further shows that statements of Anand Tadvī, Vesti Tadvī, and Kurshya Tadvī, father of the complainant Vilas Tadvī, have been recorded. However, the case

diary does not contain statements of any independent witnesses, though residents of the nearby houses were available. Therefore, considering the delay of four days in lodging the FIR, and looking to the age of the applicant i.e. 67 years, false implication of the present applicant cannot be ruled out. The observations made herein above are prima facie and are limited to adjudication of the present application and shall not influence the trial or any other proceedings. I am, therefore, inclined to grant anticipatory bail to the applicant. The apprehensions of the prosecution can be safeguarded by imposing stringent conditions. Hence, the following order :-

ORDER

- i. In the event of arrest of the Applicant – Damnya Retha Tadvi, he shall be released on bail on furnishing a PR. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with FIR No. 97 of 2025 dated 20.06.2025, registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Sections 324(5), 352, 351(3), 115(2), 190, 191(2), 189(2) and 326(g) of the Bharatiya Nyaya Sanhita, 2023, subject to the following conditions:

- A) The applicant shall attend the concerned Police Station and report to the Investigating Officer on every Monday and Tuesday between 10:30 a.m. and 01:30 p.m. till filing of the charge-sheet and thereafter as and when called.

- B) The Applicants shall also cooperate with the investigation.
 - C) The applicant shall not pressurize, threaten, or induce prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.
8. Needless to say that violation of any of the above conditions or involvement of the applicant in any other cognizable offence shall entitle the prosecution to seek cancellation of bail.
9. The Anticipatory Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)