



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

BAIL APPLICATION NO. 1806 OF 2025

IRFAN ABDUL TADVI

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rupesh Anil Jaiswal

APP for Respondent/State : Ms. R.R. Tandale

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CORAM : MEHROZ K. PATHAN, J.

DATE : 17th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.157/2024 registered with the Adavad Police Station, Taluka and District Jalgaon for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the deceased was in addict of liquor and ganja. On 21.08.2024 at about 10:15 pm the informant i.e. son of the deceased had seen him while going on motorcycle with Subhash Barela. Thereafter the deceased did not come back to home and on 01.09.2024 it is informant came to know that his father/deceased is lying dead near Hajrat Pipakshah Baba Dargah. Therefore, the information is reported against the unknown person by informant.

3. The learned Counsel for the Applicant submits that the

Applicant was arrested on 05.09.2025 and that the allegations against him, even if assumed to be true, would at best make out a case arising out of a sudden quarrel. It is further submitted that the main allegation of strangulation of the neck is directed against the accused Kalandar and not against the present Applicant, Irfan. It is also submitted that another accused, Shahrukh, who is similarly placed and attributed with the same role as the present Applicant, has already been released on bail by this Court vide order dated 02.09.2025 passed in Bail Application No.824/2025. The learned Counsel therefore prays that, considering the nature of the allegations against the Applicant and the fact that he has no criminal antecedents of involvement in any bodily offence at any time earlier, the Applicant may be released on bail.

4. The learned APP vehemently opposes the present application on the ground that the Applicant is directly named in the statement of one Iqbal Tadvi, who has stated that he saw the Applicant present along with the other assailants who strangulated the victim, Jagdish, over a trivial reason. The Applicant is having one criminal antecedent inasmuch as he involved in an offence under the NDPS Act prior to the registration of the present Act. It is further stated that if the Applicant is released, he may abscond and thereby defeat the ends of justice, may not be available for trial, and may also threaten the prosecution witnesses, particularly the complainant, who is the son of the deceased Jagdish. She therefore prays for rejection of bail. She further submits that the witness Iqbal Tadvi's

statement under Section 183 BNSS is also recorded by the prosecution and therefore there is ample evidence to bring home the guilt of the present Applicant in the said crime.

5. I have gone through the charge-sheet and the orders passed by this Court earlier in BA No.177/2025, when the Applicant Irfan had filed a Bail Application after the filing of the charge-sheet I have also gone through the order passed by this Court on 02.09.2025 in BA No.824/2025. The perusal of the said order would show that the same is passed taking into consideration the period of incarceration undergone by the Applicant therein, Shahrukh Ismail Tadvī. Whereas the earlier application of the Applicant which was rejected by this Court vide order dated 05.03.2025 in BA No.177/2025 was an order on merits of the matter. Considering the said order dated 02.09.2025 passed in the case of Shahrukh Tadvī and also considering the allegation in the FIR which shows the role of the present Applicant to be identical with that of accused Shahrukh Tadvī, who is already released on bail on the ground of delay in trial, I am inclined to grant the same relief to the Applicant as the Applicant is also reported to have been arrested on 05.09.2024 and this Court has already released Shahrukh Tadvī who is having the same role on the same ground. The apprehension of the learned APP about tampering of the evidence and threatening of the prosecution witnesses can be taken care of by imposing certain conditions. Hence, the following order :

ORDER

(a) The Bail Application is allowed.

(b) The Applicant – Irfan Abdul Tadvi in connection with Crime No.157/2024 registered with the Adavad Police Station, Taluka and District Jalgaon for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with solvent surety of the like amount,, on the following conditions:

(i) The Applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(ii) The Applicant shall not enter within the vicinity of village Adawad, Tq. Chopda, District Jalgaon till the conclusion of the trial.

(iii) The Applicant shall attend the concerned police station once in a month, particularly on the second day of each month.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE