



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.221 OF 2025
(Tukaram @ Bandubhau Kisanrao Tagde Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. J.M. Gandhi, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 2, 2025.

By this application, the applicant is seeking Transit bail in connection with Crime No.35/2025 registered with Police Station Waliv, District Meera Bhander, Vasai-Virar Police Commissionerate for the offences punishable under Sections 316(2), 318(4), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that as per the allegation in the FIR, the applicant is the Director of Matoshri Magaswargiya Shetkari Sahkari Soot Girni Ltd., Malapur (Sawargaon), Tahsil Narkhed, District Nagpur and runs the business of yarn and also run its Mill to prepare yarn. The informant had approached the society of the applicant with the proposal of providing the cotton and to get the yarn prepared and accordingly an agreement was entered into for the same. As per said agreement, the informant has to comply with the terms

and conditions of the said agreement and to provide the raw material to the society at appropriate time so as to enable the society to prepare yarn within time. The informant had never provided the raw material within time, and therefore, society could not deliver the yarn in time and had been constrained to suffer huge losses. Therefore, the new agreement was entered into whereby the informant had again agreed to abide by the terms and conditions of the said agreement. Said agreement was in force for the period of one year; however, the informant has alleged not supplied the raw material to the society. Subsequently, the applicant had duly supplied the yarn prepared from the cotton supplied by the informant and at no point of time, the informant had ever raised or expressed any grievance about the same. But subsequently this false report is lodged by the informant alleging that he entered into an agreement and provided the cotton and he has not received the yarn. He submitted that as far as the immediate custodial interrogation is concerned which is not required. Entire investigation revolves around the documentary evidence i.e. the agreement. The applicant is ready to cooperate with the investigating agency. He submitted that the applicant is having immediate apprehension as to the arrest at the hands of the police. He would require some time to approach to the concerned Court for granting anticipatory bail. In view of that, he be protected by granting a Transit bail.

3. Learned APP strongly opposed the application and submitted that, considering the nature of the transaction admittedly, some amount is to be recovered from the present applicant, and therefore, his custodial interrogation is required. In view of that, the prayer for grant of Transit bail deserves to be rejected.

4. I have heard learned Counsel for both the sides. Perused the record and the recitals of the FIR from which it reveals that the informant and the society of which the present applicant is the Director entered into an agreement. As per the said agreement it was agreed that the informant would provide the cotton and that would be processed by the said society of the present applicant and yarn will be delivered to the informant. There are two agreements entered between the parties. As far as the allegations are concerned admittedly every investigation is revolves around the documents. Considering immediate custodial interrogation is not required, the prayer of the present applicant as to the Transit bail deserves to be allowed subject to the conditions. Accordingly, I proceed to pass following order:

(i) The application for Transit bail is hereby allowed.

(ii) In the event of arrest, the applicant – Tukaram @ Bandubhau Kisanrao Tagde in connection with Crime No.35/2025 registered

with Police Station Waliv, District Meera Bhander, Vasai-Virar Police Commissionerate for the offences punishable under Sections 316(2), 318(4), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on Transit anticipatory bail for two weeks, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the police station on receipt of notice in advance and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*