



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 802 OF 2026

KOTA BOTYA PAWARA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicant : Mr. Amit S. Savale
APP for Respondents-State : Mr. Sandesh V. Hange

CRIMINAL APPLICATION NO. 2192 OF 2026

FUNTI KOLIYA PAWARA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicant (Assit to PP) : Mr. Mayur Borse

CORAM : SACHIN S. DESHMUKH, J.

Date : 9th June, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 03.11.2025 bearing Crime No. 190 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 326(g), 351(3), 3(5) of the *Bharatiya Nyaya Sanhita*, 2023.

2. The prosecution case is that the informant, Funtibai

Koljya Pawara lodged a complaint on 03.11.2025 at approximately 16:23 hours. In her statement, the informant asserted that she resides at the Telkhedicha Selbarpada, Taluka Dhadgaon, locality alongside her family members. She disclosed that an individual named Podya Bhuvata Pawara was murdered on 16.09.2025, and because the accusation for the said murder was leveled against her husband, he is behind bars. The present offence transpired on 30.10.2025 at about 00:30 hours past midnight while the informant was inside her residence. The applicant alongwith accused arrived at her house, summoned her outside and issued verbal threats, stating that since her husband had killed their father, they would not allow her to reside in the village. Specifically, the applicant / accused, Kota Bothya Pawara, threatened the informant that he would set her and her house ablaze if she continued to stay there. Consequently, the informant retreated and stood at a distance from her home to ensure her safety. Taking advantage of her absence, both applicants entered the house, set it on fire, and fled the spot. The blaze completely destroyed her food grains, wooden structures, household articles, and clothes, causing a financial loss estimated at Rs. 32,000. The informant, with the timely assistance of her neighbors, subsequently managed to extinguish the fire, which led to the

registration of the present FIR.

3. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. It is submitted that the entire prosecution story stems from an earlier incident dated 16.09.2025, wherein the applicant's father, Podya Bhuvata Pawara, was brutally murdered, and the informant's husband was subsequently arrested as the prime accused. Given this intense background of familial hostility, the informant holds a strong grudge against the applicant's family, and the present case is a counter-blast.

4. The learned counsel further submits that the investigation is on the verge of completion. The applicant is a permanent resident of the locality with deep roots in the society, meaning there is absolutely no risk of him absconding from justice or evading the trial. Nothing remains to be recovered at the instance of applicant. Hence, prayed to allow the application.

5. The learned APP and the learned counsel assisting the prosecution has vehemently opposed the application, submitting that the applicant has been involved in a serious crime. The accused is charged with a premeditated act of arson, having

deliberately set fire to a dwelling house on 30.10.2025 past midnight while the informant was inside. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, it prima facie reveals a substantial and unexplained delay in lodging the FIR directly impacts the prima facie credibility of the prosecution's timeline. The alleged incident of arson and criminal intimidation took place past midnight on 30.10.2025, yet the FIR was registered on 03.11.2025.

7. The existence of acute and deep-rooted prior enmity between the parties is writ large on the face of the record. It is an admitted position that the applicant No.2's father, Podya Bhuvata Pawara, has been murdered on 16.09.2025, and the informant's husband is incarcerated as the prime accused in that case. Considering this backdrop of familial hostility, the possibility of an exaggerated version of events being presented against the grieving family of the deceased victim requires a proof during a full-fledged trial.

8. The nature of the allegations against the applicants, though serious, relies on the oral testimony of an interested witness without adequate independent corroboration. The applicants are the permanent resident of Telkhedicha Selbarpada, Dhadgaon, with established roots in the community, effectively discarding any reasonable apprehension of him fleeing from justice or evading trial. The investigation is on the verge of completion. Since the trial is likely to take considerable time to conclude, continuous incarceration would serve no purpose.

9. Keeping in view the peculiar facts and circumstances of the case, the applicants are entitled for bail. The apprehension expressed by the learned APP and the learned counsel assisting to PP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicants – Kota Botya Pawara and Bhaidas Podya Pawara be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) each with one or two local solvent sureties in the like amount, in connection with Crime No. 190 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the

offences punishable under Sections 326(g), 351(3), 3(5) of the *Bharatiya Nyaya Sanhita*, 2023, on the following conditions :-

- (a) The applicants shall attend the concerned Police Station on every Saturday from 10.00 am to 2.00 pm till filing of the charge-sheet.
 - (b) The applicants shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (c) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (IV) Pending criminal applications also stand disposed of.

(Sachin S. Deshmukh, J.)