



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

ANTICIPATORY BAIL APPLICATION NO. 145 OF 2026

1. AMAR DAYANAND TIWARI
2. ANAND DAYANAND TIWARI

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Khadap Rahul D

APP for Respondents/State : Mr. P. D. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATE : 7th MARCH, 2026

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.400/2025 registered with Paranda Police Station, District Dharashiv for the offences punishable under Sections 3(5), 351(4), 351(2), 308(4), 308(2), 333 of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that on 11.11.2025 at about 07:30 p.m. accused-Applicant Nos. 1 and 2, resident of Shikshak Society, Paranda, Tq. Paranda Survey No.45, Kurduwadi Road, Paranda called the Informant Deepak Dwarkaprasad Tiwari, aged 69 years, resident of Survey No.45, Kurduwadi Road, Paranda, from time to time and demanded a extortion of Rs.10,00,000/- saying that

they were in financial difficulty. If the Informant did not pay the said amount to them, they threatened to kill the family members of the Informant. On the basis of the complaint filed by the complainant, the FIR bearing Crime No.400/2025 registered with Paranda Police Station.

4. The learned Counsel for the Applicants submits that the Applicants have been falsely implicated in the present crime. It is submitted that there exist certain disputes pertaining to the ancestral property of the family. However, the Applicants have not issued any threats to the complainant. The Applicants are also ready to hand over the mobile phone allegedly used for giving threats of extortion to the complainant. The Applicants are not having any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. Hence the Applicants may be protected.

5. The learned APP, on the other hand, strongly opposes the present application on the ground that the Applicants are involved in the serious offence of extortion, which is punishable with imprisonment of up to seven years. The offence is grave in nature, and custodial interrogation of the Applicants is necessary to seize the mobile phone and to obtain their voice samples, so as to match the same with the voice recordings recovered from the Applicants' mobile phone, wherein they allegedly issued threats to the complainant. It is further submitted that if the Applicants are released on bail, there is every likelihood that they may again threaten the complainant and

thereby cause prejudice to the prosecution case. Hence, this is not a fit case for granting anticipatory bail to the Applicants.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the same shows that the investigation is almost complete. The Investigating Officer has recorded the statements of the complainant as well as the relevant witnesses, namely the complainant's mother, son, and daughter-in-law. The mobile phone recording, wherein the Applicants are alleged to have issued threats, has also been obtained from the complainant's mobile phone. The reason cited by the prosecution for custodial interrogation is that the voice samples of the Applicants, as well as seizure of their mobile phone, are required. However, the same can be ensured by directing the Applicants to remain present before the Investigating Officer and by imposing stringent conditions, thereby ruling out the apprehension raised by the prosecution that the Applicants may pose a threat to the complainant.

. Thus taking into consideration the nature of the allegations and that the custodial interrogation of the Applicants does not seem to be necessary, I am inclined to protect the present Applicants. Hence the following order :

ORDER

(i) In the event of arrest of the Applicants - Amar Dayanand Tiwari and Anand Dayanand Tiwari in connection with Crime No.160/2025 registered with Crime No.400/2025 registered with Paranda Police Station, District Dharashiv for the offences punishable

under Sections 3(5), 351(4), 351(2), 308(4), 308(2), 333 of the Bharatiya Nyaya Sanhita, 2023, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(a) The Applicants shall attend Paranda Police Station, District Dharashiv on 12th 13th 19th 20th 26th and 27th of March, 2026 and thereafter as and when called by the Investigation Officer, till the filing of the charge-sheet.

(b) The Applicants shall not enter Paranda City where the complainant and the Applicants are residing till filing of the charge-sheet, except for attending the dates at the police station as mentioned above.

(c) The Applicants shall hand over the mobile phone and give the voice sample to the Investigating Officer.

(d) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

(e) The Applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

(f) A single violation of the aforesaid conditions would entitle the prosecution to seek cancellation of the bail of the present Applicants on that ground.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE