

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2470 OF 2025

1. Ganesh Tukaram Dhone	
2. Satwayan Dhanaji Dhone	...Applicants
<u>VERSUS</u>	
The State Of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2440 OF 2025**

1. Suman Babasaheb Hirve	
2. Vijayendra Babasaheb Hirve	
3. Bhamabai Tukaram Dhone	...Applicants
<u>VERSUS</u>	
The State Of Maharashtra	...Respondent

Mr. Ritesh M. Thobde a/w Darshan Singh Rajpurohit for the Applicants.
Mr. Ismail M. Radage (Through V. C.) for Respondent No.2 in
ABA/2470/2025.
Mr. S. H. Yadav, APP for the Non-applicant-State.
ASI J. S. Kare, Pandharpur Taluka Police Station.

CORAM : M. W. CHANDWANI, J.
DATE : 21st APRIL, 2026.

P.C.

1. The applicants are apprehending arrest in connection with Crime No. 618/2025 registered with Police Station, Pandharpur, Dist. Solapur Rural for the offences punishable under Sections 329(3), 329(4), 333, 303(2), 324(4), 189(2), 190 and 191(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicants, learned counsel for non-applicant no. 2 and learned APP for the non-applicant-State.

3. Having gone through the case diary, it appears that there is a dispute over the house property wherein, the applicants claim to be tenants of the erstwhile owner, which was later on sold to the another person. The complainant claims to be a tenant of the person who purchased the property from the erstwhile owner. It appears that the suit between the applicants and the erstwhile owner for injunction was pending before the Civil Court. Both the parties claim to be in possession of the property. The allegations in the FIR are that on 04.08.2025, at about 9.00pm. when the complainant was at Pandharpur, he received a message that applicant no. 1 along with 8 to 10 other persons, arrived at the property and removed the tin shed fencing and the iron angles and further caused damage to the compound wall. In all, the complainant was put to a loss of Rs.25,000/-. On the complaint of the complainant, the aforesaid offence came to be registered against the applicants.

4. It is contended that all the offences are bailable except Section 333 of the Bharatiya Nyaya Sanhita, 2023. It is further contended that since there was nobody in the house at the time of the alleged offence, the allegation under Section 333 of the Bharatiya Nyaya Sanhita, 2023 of house trespass after preparation for causing hurt, assault, or wrongful restraint will not be applicable.

5. Whether Section 333 Bharatiya Nyaya Sanhita, 2023 will be attracted is a question to be decided at the time of trial. *Prima facie* it appears that, at the time of the alleged act, nobody was in the house. Two of the applicants are women and old aged ladies. The other applicants are relatives of applicant no. 1- Suman Hirve.

6. The applicants were protected by way of ad-interim order dated 13.11.2025 with a direction to appear before the concerned police station and co-operate in the investigation. Accordingly, they attended the concerned police station and co-operated in the investigation.

7. Considering the nature of allegations against the applicants and punishment prescribed for the alleged offence, a case is made out for confirming the ad-interim order dated 13.11.2025. Hence this order;

- I. Application is allowed.
- II. The interim order dated 13.11.2025 is hereby confirmed.
- III. The Applicants shall attend the concerned police station as when directed by the investigating authority.

8. With this, the application stands disposed of.

[M. W. CHANDWANI, J.]