

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

**CRIMINAL APPEAL NO. 700 OF 2024**

Dnyaneshwar Shriram Kushare And Ors

... **Appellants**

**Versus**

The State of Maharashtra And Ors.

... **Respondents**

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**Mr. Ranjeet Jadhav** (*Through V.C.*) *i/b Mr. Gaurav Pandey for the Appellants.*

**Ms. Shilpa K. Gajare-Dhumal, APP** *for the Respondent No.1-State.*

**Mr. Ankur Pahade** *appointed for Respondent No.2.*

**Mr. A.S. Jadhav**, *ASI Chandwad Police Station, Nashik (R) is present.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 10 DECEMBER 2024.**

**P.C. :**

1) This Appeal is filed under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the Order dated 15 June 2024 passed by the learned Additional Sessions Judge, Niphad rejecting the application filed by the Appellants for anticipatory bail in connection with C.R. No.195 of 2024 registered with Chandwad Police Station, Nashik (R) for offence punishable under Sections 354-B, 354-D, 324,

323, 341, 143, 147, 148, 149, 504, 506 and 427 of the Indian Penal Code, 1860 and under Sections 3(1)(r), 3(1)(s) of the SC & ST Act.

2) I have heard Mr. Jadhav, the learned counsel appearing for the Appellants, Ms. Gajare-Dhumal, the learned APP appearing for Respondent No.1-State and Mr. Pahade, the learned counsel appointed by this Court to represent Respondent No.2.

3) FIR statement alleges that at 9.00 pm. on 9 May 2024 Appellants abused the Complainant with reference to his caste and assaulted him. It is alleged that the Appellant No.1-Dnyaneshwar Shriram Kushare assaulted the Complainant with iron rod, Appellant No.2-Dattu Uttam Kushare held Kiran and Appellant No.1-Dnyaneshwar Kushare assaulted him with iron rod. It is further alleged that Appellant No.2-Dattu Kushare and Appellant No.3-Ravindra Kushare outraged the modesty of the Complainant's wife by tearing her blouse and removing her saree.

4) The sheet anchor of defence of the Appellants is the plea of *alibi*. Appellants rely upon CCTV footage allegedly recorded at hotel Saikiran on 9 May 2024 between 9.00 pm. to 10.00 pm. in which fourth Appellant, Dyaneshwar as well as the Complainant are apparently seen consuming liquor. It is therefore sought to be contended that the main accused Dyaneshwar Kushare could not be present at the crime scene between 9.00 pm. to 10.00 pm. Though the learned APP and Mr. Pahade have sought to raise doubts about the authenticity of the CCTV footage, as of now there is no material on record for discarding

the CCTV footage altogether while considering the application for anticipatory bail.

5) Appellants are on interim protection granted by this Court vide order dated 10 July 2024. They have remained present before the Investigating Officer and their statements have been recorded. In that view of the matter, custodial interrogation of the Appellants would no longer be necessary. Therefore, the interim protection granted by this Court in favour of the Appellants deserves to be made absolute.

6) I accordingly proceed to pass the following order:

a) Order dated 15 June 2024 passed by the learned Additional Sessions Judge, Niphad is set aside.

b) Interim protection is granted in favour of the Appellants by Order dated 10 July 2024 is made absolute.

c) Appellants shall attend each date of hearing before the Trial Court regularly unless exempted from personal appearance.

d) The Appellants shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.

e) If the Appellants attempt to contact the Complaint or witnesses associated with the case in any manner, the prosecution as well as the Complainant would be at liberty to apply before the Trial Court for cancellation of the Anticipatory Bail.

7) With the above directions, the Appeal is allowed and **disposed of.**

**[SANDEEP V. MARNE, J.]**