

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4 OF 2025

Alam Ismail Mujawar

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

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Mr. Vresh Punwant a/w. Mr. Suraj Gadkari, Advocates for the Appellant.

Mr. Pankaj P. Jadhav, APP for the State.

Ms. Aakansha Yadav, Appointed Advocate for Respondent No.2.

HC – Chougule, Malshiras Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 28th APRIL, 2025.

P. C. :

1. The application for Anticipatory bail of the appellant is dismissed by the Trial Court hence appellant has filed the present appeal.
2. The appellant apprehends arrest in C.R.No. 211 of 2024 registered with Malshiras Police Station for the offence punishable under Section 323, 504 r/w. 34 of Indian Penal Code, 1860 and under Sections 3(1)(r), 3(2) (va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “S.C. and S.T. Act”).
3. It is prosecution’s case that on 29.05.2024 at 1.00 p.m. when first informant had gone to collect his income certificate from Maha E-Seva Kendra, he enquired with the appellant whether his income certificate is

ready. It is alleged that appellant called 2-3 unknown persons and abused first informant on his caste and assaulted him with fist and kick blows.

4. It is contention of learned counsel for the appellant that appellant has been falsely implicated in this case. The income certificate is already issued to the first informant. The alleged incident has not occurred in public place. The appellant does not have any such 'E' service Seva Centre within the territory of Malshiras Municipal Counsel or at any other place and he also does not possess any such licence, therefore the question of giving any income certificate or to give such certificate or any other certificate to the first informant does not arise. The first informant has not given full name of the appellant and only name of "Mujawar" is mentioned. After granting the interim relief the appellant has cooperated in the investigation, hence requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant has abused the first informant on his caste and assaulted him with fist and kick blows, when first informant enquired him about the income certificate. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record. The allegations against the appellant are that he

abused the first informant on caste when he enquired about his income certificate. Exhibit-B (Colly) filed along with appeal of appellant shows that first informant has received income certificate. The offence is occurred in E' service Seva Centre. The full name of the appellant is not mentioned in the FIR. When appellant was on interim relief, he has cooperated in the investigation. Considering these facts, his custodial interrogation is not required and I pass following order.

ORDER

- i. The appellant be enlarged on bail in C.R.No. 211 of 2024 registered with Malshiras Police Station, on executing PR.Bond of Rs. 50,000/- on furnishing one or two sureties of the like amount.
- ii. The appellant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)