

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.32 OF 2025

Banda @ Sanjay Anna Patole & Ors. .... Appellants

V/s.

The State Of Maharashtra And Anr. .... Respondents

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Ms.Manisha Devkar, for the Appellants.

Mr.Ashok Gawai, APP, for Respondent-State.

Ms.Srushti Chalke, for Respondent No.2.

Mr.Sandeep Zagade, HC-1544, Vaduj Police Station.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 21<sup>st</sup> APRIL 2025

P.C:-

. The Special Court has rejected the Bail Application of the Appellants.

2. The Appellants are apprehending arrest, in connection with investigation of Crime No.384 of 2024 registered with Waduj Police Station, Satara, for the offences punishable under Sections 115(2), 119(1), 3(5), 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3(1)(r), 3(2), 3(2)va and 6 of the Scheduled Castes and

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the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short).

3. It is prosecution's case that, on 3<sup>rd</sup> December 2024 Applicant and co-accused assaulted the first informant with fist and kick blows and abused her on caste. It is alleged that, the Accused No.1 snatched gold chain around 20 grams from the neck of the first informant.

4. It is contention of the learned counsel for the Appellant that, the Appellants have been falsely implicated in this case. The main allegations are against the Accused No.1, he has been arrested and released on regular bail. The allegations against the Appellants are that, they have assaulted the first informant with fist and kick blows. Considering the allegations against them, their custodial interrogation is not required and requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellants and Accused No.1 abused the first informant on her caste and assaulted her with fist and kick blows, due to said assault first informant was

injured, gold chain was snatched in the said scuffle. It is necessary to recover the said gold chain. Considering the allegations against the Appellants their custodial interrogation is required and requested to dismiss the Appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record.

7. The allegations against the Appellants are that, they had assaulted the first informant with fist and kick blows and they abused her. In FIR the main allegations are against Accused No.1 that, he abused the first informant on her caste and snatched the gold chain from her neck. He was arrested and has been released on regular bail. There are no allegations against the Appellants that, they abused the first informant on caste.

8. Considering these facts, their custodial interrogation is not required and I pass following order.

### **ORDER**

(i) The Appeal is allowed.

(ii) In the event of arrest, the Appellants be released on bail in Crime No.384 of 2024

registered with Waduj Police Station, Satara, on executing a P.R. Bond in the sum of Rs.30,000/- each with one or two sureties each in the like amount.

(iii) The Appellants shall attend the concerned Police Station as and when required.

(iv) The Appellants shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(v) All pending Applications are disposed of.

**(SHIVKUMAR DIGE, J.)**