

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

CRIMINAL APPEAL NO.54 OF 2025

Prakash Appa Tambe Appellant

V/s.

State of Maharashtra & Anr. Respondents

Mr. Jaydeep D. Mane, for the Appellant.

Mr. Ashok R. Metkari, APP, for Respondent No.1 -State.

Ms. Sufiya Siddiqui, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 09th JULY 2025

P.C:-

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

2. The Appellants are apprehending arrest, in connection with investigation of Crime No.452 of 2024 registered with Kurudwadi Police Station, Solapur, for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita ('BNS' for short) and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short).

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3. It is prosecution's case that, on 18th October 2024 at around 7.00 a.m., the first informant was proceeding toward his pickup vehicle on motorcycle, at that time, the Appellant and co-accused intercepted him and on account of the old dispute, they abused him on caste and assaulted him with iron rod and iron handle of a spade and fist and kick blows.

4. It is contention of the learned counsel for the Appellant that, there is delay of 27 days in lodging FIR. The injury suffered by the Appellant are simple in nature. The Appellant has been falsely implicated in this case, due to old dispute. The investigation is almost completed. The Appellant had also filed complaint against the first informant and requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellant and co-accused assaulted the first informant due to the old dispute. The Appellant was admitted in the hospital, hence, there was delay in lodging FIR. The Appellant is absconding since the day of the offence. There is bar under Section 18 of the SCST Act and 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.

7. There is delay of 27 days in filing the FIR. Though it is contention of the learned counsel for the Appellant that, he was admitted in the hospital, injury certificate produced on record shows that first informant has suffered simple injuries, hence, it cannot be said that, there was delay of 27 days as Appellant was admitted in the hospital. It appears that, the Appellant had filed cross complaint against the first informant. As there was delay of 27 days for filing the complaint and injuries suffered by the first informant are simple in nature, hence, custodial interrogation of the Applicants is not required.

ORDER

(i) In the event of arrest, the Appellant-Prakash Appa Tambe be released on bail in Crime No.452 of 2024 registered with Kurudwadi Police Station, Solapur, on furnishing PR bond of Rs.30,000/- with one or two solvent sureties in the like amount.

(ii) The Appellant shall not tamper with the evidence and/or influence the prosecution

witnesses.

(iii) The Appellant shall give attendance before the Investigating Officer as and when required.

(iv) The Appeal is allowed in the aforesaid terms.

(v) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)