

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

CRIMINAL APPEAL NO. 531 OF 2023

Atul Jaisingh Bhosale

.... Appellant

Versus

The State of Maharashtra and Anr.

.... Respondents

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Mr. Satyam H. Nimbalkar i/b Mr. Harshwardhan M. Pawar a/w Mr. Abhishek U. Arote and Mr. Yash Saxena, Advocate for the Appellant.
Ms. Shilpa K. Gajare – Dhumal, APP, for Respondent No.1 – State.
Adv. Ajinkya Udane a/w Adv. Maitryee Garade, Adv. Vinayak Pandit and Adv. Indraraj Yadau i/b Ms. Priyanka Chavan, Advocate for Respondent No.2.
Mr. Premendra Khandagale ,Velapur Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JUNE, 2025.

P.C. :

1. The Appellant apprehends arrest in Crime No.340 of 2022 registered with Velapur Police Station, District: Solapur, for the offences punishable under Sections 307, 326, 324, 452 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Sections 3(2)(v) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that due to old dispute the Appellant and co-accused assaulted the brother of first informant with intention to kill him and abused him on caste.

3. It is contention of learned counsel for the Appellant tht the Appellant is on interim relief for three years. Investigation is completed and charge-sheet has been filed. The Appellant has co-operated with the investigation. Other co-accused have been released on bail. The allegations against the Appellant are that he assaulted the brother of first informant with wooden stick. Hence, requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Appellant and co-accused assaulted the first informant's brother and other persons with intention to kill them by going their shop. The injury suffered by victims are grievous in nature. The Appellant assaulted the injured with wooden stick. It shows involvement of the Appellant in the crime. Considering allegations against the Appellant, his custodial interrogation is required, and requested to dismiss the appeal.

5. I have heard all learned counsel. Perused charge-sheet.

6. The allegations against the Appellant are that he along

with co-accused assaulted the brother of the first informant and other injured with intention to kill them. It appears from the statement of injured witness and F.I.R. that the Appellant assaulted the injured with wooden stick on the leg. The Appellant is on interim relief for three years. Investigation is completed, and charge-sheet has been filed against the Appellant. Considering these facts, his custodial interrogation is not required, I pass following order :

ORDER

- i. The appeal is allowed.
- ii. In the event of arrest, the Appellant be enlarge on bail in Crime No.340 of 2022 registered with Velapur Police Station, Dist: Solapur, on executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The Appellant shall attend the concerned police station as and when required.
- iv. The Appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.
- . The appeal is allowed in the aforesaid terms and is

accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)