

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 493 OF 2025

Vasim Najarmahamed Khan ...Appellant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr. Jaydeep D. Mane for Appellant.

Smt. S. N. Deshmukh, APP for the Respondent-State.

Mr. R.S. Alange a/w Mr. Ajit V. Alange for Respondent No.2 appointed
through Legal-aid.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2025

P.C.

1. By this appeal, the appellant challenged the order passed by the Learned Additional Sessions Judge, Solapur vide order dated 29.03.2025 and the Appellant is apprehending arrest in Crime No.209 of 2025 registered with Mohol Police Station, Dist. Solapur for the offences punishable under Sections 3(1)(s)(r)(g)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. It is prosecution's case that first informant owns plot situated at Mohol. It is alleged that the Appellant is making construction on the plot of first informant, though there is stay order

of the Civil Court. It is alleged that the appellant abused the first informant on caste, though he was aware that she belongs to Scheduled Caste.

3. It is contention of learned counsel for Appellant that there is dispute regarding boundaries of plot of land and the Civil proceedings in that regard is pending before the Civil Court Mohol. Learned counsel further submitted that the appellant has filed undertaking before this Court that he will not make construction on the said plot of land till decision of the Civil Court. Hence, requested to allow the Appeal.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that appellant is disputing the ownership of the first informant and he highhandedly constructing on the plot of the first informant. When first informant tried to obstruct, Appellant manhandled her and abused her on caste. Custodial interrogation of the appellant is required. Hence, requested to dismiss the appeal.

5. I have heard all the learned counsels, perused the FIR and documents placed on record. It appears from the record that the civil dispute in respect of boundaries of the land is going on between the appellant and first informant. The appellant has filed an undertaking

that he shall not make any construction on disputed land till decision of Civil Court. In view of the above, I pass the following order.

ORDER

- (i) The appeal is allowed;
 - (ii) The impugned order passed by the Learned Additional Sessions Judge, Solapur vide order dated 29.03.2025 in Cri. Bail Application No.290 of 2025 is quashed and set aside.
 - (iii) In the event of arrest, the Appellant be enlarged on bail in Crime No.209 of 2025 registered with Mohol Police Station, Dist. Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - (iv) The Appellant shall attend the concerned police station as and when required.
6. The appeal is allowed in the aforesaid terms and is accordingly disposed off.
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.)