

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 885 OF 2025**

Eknath Hanmant Shembade	...Appellant
Versus	
The State of Maharashtra And Another	...Respondent

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Mr. Kedar J. Patil a/w Mr. Gaurav Chandole, Mr. Pratik G. Tare and Ms. Vaishnavi Swami, for the Appellant.

Mr. S. H. Yadav, APP, for the Respondent – State.

Mr. Abhang Suryawanshi, appointed Advocate for Respondent No.2 (Through Legal Aid).

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C.

1. By this appeal, the appellant is apprehending arrest in crime no.575 of 2025 registered with Sangola Police Station Dist-Solapur for the offences punishable under Sections 115(2), 119(1), 308(2), 333, 351(2), 351(3), 352 and 356(3) of Bharatiya Nyay Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that on 10th July, 2025 the appellant

entered in the hotel of the first informant and took out some empty bottles from his hotel and made video of these empty bottles stating that the first informant, who was the Grampanchayat member, is selling illegal liquor, he threatened the first informant to give ransom amount of Rs.10000/- otherwise, he will viral the said video. Thereafter, the appellant took the amount of Rs.9,720/- from the pocket of the first informant and abused him on caste and went away.

3. It is contention of learned council for the appellant that the appellant is a whistle blower. He was fighting against the illegal sale of liquor. The appellant has not abused the first informant on his caste. While on interim relief, the appellant has co-operated in the investigation, hence, his custodial interrogation is not required and requested to allow the appeal.

4. It is contention of learned APP along with respondent no.2 that the appellant forcefully entered in the hotel of the first informant and recorded the video of empty bottles in his mobile. Thereafter, threatened the first informant to give ransom amount otherwise, he will viral it and forcefully taken Rs.9,720/- from the shirt pocket of the first informant and abused him on caste, he viraled the recorded video on Whats-App group. Considering the allegation against the appellant, his custodial interrogation is required and requested to

dismiss the appeal.

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

6. From the FIR, it does not show that the appellant abused the first informant on his caste. There is no specific reference about abusing on caste to the first informant. The appellant is a law student. While on interim relief, he has co-operated in the investigation. Considering these facts, custodial interrogation of the appellant is not required and I pass following order :

ORDER

- I. Interim relief granted to the Appellant by this by order dated 15th September, 2025 is made absolute.
- II. Appellant shall attend the concerned police station as and when required.

(SHIVKUMAR DIGE, J.)