

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.910 OF 2025**

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Rajkumar Prakash Dabade

.... Appellant

Versus

The State of Maharashtra And Anr.

.... Respondents

Ms. Tanvi Tapkire, Advocate for the Appellant.

Ms. A. A. Takalkar, A.P.P., for the Respondent – State.

Ms. Asmita Killedar, Advocate for Respondent No. 2 appointed through Legal Aid.

Mr. Magdum, PC, Jath Police Station – present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd NOVEMBER, 2025.

P.C. :

1. The Appellant is apprehending arrest in Crime No.527 of 2024 registered with Jath Police Station, Dist- Sangli, for the offences punishable under Sections 189(2), 191(2), 191(3), 103(2), 238 and 190 of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that on 13th August, 2024, the husband of the first informant was assaulted by co-accused and Appellant. In the said assault, the husband of the first informant was seriously injured and died. It is alleged that the Appellant had carried weapons in their car to the incident spot.

3. It is the contention of learned counsel for the Appellant that the Appellant has been falsely implicated in this case. The statement of the wife of accused no. 1 does not show that the Appellant was present at incident spot at the time of incident. In the statement of the wife of accused no. 1, who is the eye witness of the incident has not stated the role of the Appellant. Investigation is completed. Charge-sheet has been filed. Hence, requested to allow the Appeal.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Appellant was present at the time of incident. He assaulted the deceased with other co-accused. The witnesses have specifically stated about the role of the Appellant. Learned APP further submitted that the statement of the wife of accused no. 1, recorded on 18th August, 2024, has specifically stated that the Appellant had carried weapons in their car and by using those

weapons, the deceased was assaulted by the co-accused. Under Section 18 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, anticipatory bail is not entitled. Hence, requested to dismiss the appeal.

5. I have heard both learned counsel, perused the FIR and documents produced on record.

6. The allegations against the Appellant is that they carried weapons in their car and by using those weapons, the co-accused assaulted the deceased. Thereafter, the Appellant helped the co-accused to dispose the dead body of the deceased. The witness Sunanda Kitture, wife of the accused no.1 is the eye witness to the incident. In her statement recorded on 18th August, 2024, it is specifically stated that the Appellant had arrived at their house in a car and in the said car, they carried iron rod, wooden stick and PUC pipe. Thereafter, her husband and her brother picked up iron rod and PUC pipe and assaulted the deceased. Thereafter, her supplementary statement was recorded on 25th September, 2024. In the said supplementary statement, she has not referred to role of the Appellant and she has stated that her husband and her brother brought iron

angle, pipe and wooden stick from their cattle shed. So, there is a discrepancy in the statement of eye witness about the role of the present Appellant. Whether the Appellant was present at the incident spot or not, is a part of evidence. Considering the discrepancy in the statement of eye witness about the presence of the Appellant, the Appellant is entitled for anticipatory bail. Moreover, investigation is completed, charge-sheet has been filed. There are no allegations against the Appellant about abuse on caste. Considering these facts, I pass following order :

ORDER

- (i) The appeal is allowed.
- (ii) In the event of arrest, the Appellant Rajkumar Prakash Dabade be enlarged on bail in Crime No.527 of 2024 registered with Jath Police Station, Dist-Sangli, on executing P. R. Bond in the sum of Rs.30,000/- each 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 tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The appeal is allowed in the aforesaid terms and is accordingly disposed off.

8. 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.

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

10. Ms. Asmita Killedar, is appointed through Legal Aid to represent for Respondent No.2, professional fees of Rs.10,000/- be paid to her.

(SHIVKUMAR DIGE, J.)