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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1175 OF 2024

Kailas Tatoba Lad and anr

.....Appellants

Vs.

The State of Maharashtra and anr

.....Respondents

Mr. D. V. Sutar, Mr. Omkar Sutar and Mr. R. R. Shinde for the appellants

Ms. Veera Shinde APP for the State

Ms. Nutan Mohite for respondent no. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER 2025.

ORDER:

1. Appellant is apprehending his arrest in C.R. No. 320/2024 registered with Kurundwad Police Station, District: Kolhapur for offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 115(2), 352 of Bhartiya Nyay Sanhita, 2023 (For Short, 'BNS').

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2. It is the prosecution's case that on 18th September 2024 around 12.43 p.m., appellants had gone to fill petrol on petrol pump in their vehicle. The first informant who was working on the petrol pump filled diesel in the vehicle instead of petrol. It is alleged that on that ground, appellants abused the first informant on his caste and assaulted him.

3. It is the contention of learned counsel for appellants that there is delay of 10 days in lodging the complaint. Investigation is completed and charge-sheet has been filed against the appellants. Appellants have cooperated in the investigation when they were on interim relief. Hence, requested to allow the appeal.

4. It is the contention of learned APP alongwith respondent no. 2 that appellants have assaulted the first informant and abused him on his caste. Considering the allegations against the appellants, their custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel, perused F.I.R. and documents produced on record. There is delay of 10 days in

lodging F.I.R. Investigation is completed and charge-sheet has been filed against the appellants. Appellants have cooperated in the investigation when they were on interim relief.

6. Considering these facts, I pass following order :

ORDER

I. Appeal is allowed.

II. In the event of arrest, appellants be enlarged on bail in C.R. No. 320/2024 registered with Kurundwad Police Station, District: Kolhapur on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

III. Appellants shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

IV. Appellants shall attend the police station as and when required.

7. The High Court Legal Aid Services Committee shall pay fees to the appointed Advocate for respondent no. 2 as per Rules.

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.

[SHIVKUMAR DIGE, J.]