

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 349 OF 2024

Shailendra Dattatray Golatkar And Ors.

... Appellants

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. S.S.Redekar, Advocate for the Appellants.

Smt. Ranajana D. Humane, APP for the State.

Mr. Cusher Ashley David, Appointed Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATED : 27th MARCH, 2025.

P. C. :

1. The appellants apprehends arrest in C.R.No. 308 of 2023 registered with Badlapur Police Station for the offences punishable under Sections 324, 379, 427, 452, 504 and 506 of Indian Penal Code, 1860 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) & 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “S.C. and S.T. Act”).

2. It is prosecution’s case that on 24.10.2023 around 1:00 p.m. the appellants assaulted the first informant with fist and kick blows and steel scale. It is alleged that they abused on caste of first informant who belongs to S.T. category.

3. It is contention of learned counsel for the appellants that, the appellant No.2 has filed case against the first informant for outraging her modesty. To counter said complaint, the present complaint has been filed. Learned counsel further submitted that the police has filed chargesheet against the appellants and in the said chargesheet Section under SC and ST Act have been dropped against the appellants, hence requested to allow the appeal.

4. It is contention of learned APP and learned counsel for respondent No.2 that appellants who are the house owner of the first informant assaulted the first informant with fist and kick blows and abused him on caste. Considering the allegations against the appellants their custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all learned counsel. Perused FIR and documents produced on record. Learned counsel for the appellants produced letter given to Special Court by the Assistant Commissioner of Ambarnath Police Station. In this letter is is mentioned that charges under Section S.C. and S.T. Act have been dropped against the appellants. Considering this fact, custodial interrogation of the appellants are not required and I pass following order.

ORDER

- i. In the event of arrest the appellants be enlarged on bail in

C.R.No. 308 of 2023 registered with Badlapur Police Station, on executing P.R.Bond of Rs. 25,000/- each on furnishing one or two sureties of the like amount.

- ii. The appellants shall attend the concerned police station as and when required.
 - iii. The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
6. The appeal is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2025.04.02
14:44:30
+0700