

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 775 OF 2024

1. Subhash Dnyanoba Lagad
2. Moreswar Vitthal Lagad
3. Mahadev Vitthal Lagad
4. Priyanka Mahadev Lagad
5. Urmila Subhash Lagad ... Appellants
versus
The State of Maharashtra and anr. Respondent

Mr. Santosh C. Bhosle, Advocate for the Appellants.
Mr. Ashok S. Gawai, APP for Respondent No.1-State.
Ms. Priyanka H. Chavan, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2025.

P.C. :

1. The bail application of the appellants is rejected by the Trial Court, hence, the appellants are before this Court by way of this appeal.
2. The appellants are apprehending arrest in Crime No.103 of 2024 registered with Kamshet Police Station for offences punishable under Sections 141, 143, 147, 341, 504 and 506 of the Indian Penal Code 1860 and Sections 3(2), 3(v) and 3(1)(y) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. It is prosecution's case that the appellant No.1 has purchased an adjoining land of Dalit wasti. It is alleged that there was way to Dalit

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Wasti between land of appellant No.1 and other person. Appellant No.1 along with co-accused unearthed the said way by JCB and caused damage to the water pipeline, which was leading to Dalit Wasti. It is alleged that the said way was ancestral way to Dalit Wasti.

4. It is contention of learned counsel for the appellants that the appellants are the owner of the said land and they want to repair their land. The appellants have not abused the first informant and or any other members of Dalit Wasti on their caste. The appellants undertake not to cause any hindrance to the residents of Dalit Wasti for ingress and egress to their wasti. Learned counsel further submitted that interim protection is operating in favour of the appellants since 31st July 2024. The appellants have cooperated with the investigation. Hence, requested to allow the application.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellants have unearthed the way which was going through their land to Dalit Wasti and have caused damage to the water pipeline leading to Dalit Wasti. The appellants were aware that the way was leading to Dalit Wasti. In spite of that, they caused damage to that said way by JCB. Considering the allegations against the appellants, their custodial interrogation is required and requested to reject the application.

6. I have heard all learned counsel, perused the FIR and documents produced on record.

7. The allegations against the appellants are that they caused damage to the way leading to Dalit Wasti by JCB and caused damage to the water pipeline leading to Dalit Wasti. The appellants undertake that they will not cause damage to way leading to the Dalit Wasti. The interim protection is operating in favour of the appellants since 31st July 2024 and they have co-operated with the investigation. The appellants have not abused the first informant or any other members of Dalit Wasti on their caste. Considering these facts, the custodial interrogation of the appellants is not required and I pass following order :

O R D E R

1. The order dated 31st July 2024 passed by this Court (Coram : Sandeep V. Marne, J.) is confirmed.
2. The appellants shall not contact the first informant or any other witness/person concerned with the case.
3. The appellants shall attend the concerned police station as and when required.

The appeal is allowed in above terms and stands disposed of.

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

(SHIVKUMAR DIGE, J.)