

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1171 OF 2024

Nilesh Subhash Chavan

.... Appellant

V/s.

The State of Maharashtra & Anr.

.... Respondents

Mr.Rupesh Atul Zade, for the Appellant.

Ms.Sangeeta D. Shinde, APP, for Respondent-State.

Mr.Shubham Sane a/w Ms.Seema Dighe, Mr.Rajesh Ranglani, for
Respondent No.2.

Mr.Hanumant Gholwe, PSI, Baramati Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th MARCH 2025

P.C:-

. The Appellant is apprehending arrest, in connection with investigation of Crime No.450 of 2024 registered with Baramati City Police Station, for the offences punishable under Sections 324, 34, 354, 427, 452 and 504 of Indian Penal Code, 1860 ('IPC' for short) and Sections 3(1)(w), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act ('SCST Act' for short).

2. It is prosecution's case that, first informant's husband and the Appellant are relative. On 13th June 2024 around at 3.30 p.m., the Appellant and co-accused entered in the house of the first informant and assaulted her with fist and kick blows. It is alleged that, the Appellant outraged the modesty of the first informant and abused her on caste.

3. It is contention of the learned counsel for the Appellant that, the Appellant has been falsely implicated in this case. The Appellant has lodged the complaint against the first informant and her husband and offence under section 307 of the IPC is registered against them. To counter said offence the present FIR is lodged against the Appellant. The Appellant is on interim relief for around five months. He has co-operated with the investigation. Hence, requested to allow the Appeal.

4. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellant assaulted the first informant and her husband by entering in their house. The Appellant abused the first informant on her caste. The incident is occurred in presence of witnesses. Considering allegations

against the Appellant his custodial interrogation is required and requested to dismiss the Appeal.

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

6. It appears from documents that initially the Appellant has lodged the complaint against the first informant and her husband stating that the Appellant assaulted the first informant, his mother and father with knief, hence, offence under section 307 of IPC is registered against the first informant and her husband. Thereafter, the present FIR is lodged by the first informant. It appears that, the present crime is filed to counter the FIR filed by the Appellant. Incident is happened in the house of the first informant, it is not in public view. The Appellant is on interim relief for more than five months. He has co-operated with the investigation.

7. Considering these facts, custodial interrogation of the Appellant is not required.

8. In such circumstances, the Criminal Appeal is allowed and disposed of in terms of the order dated 25th October

2024, it is made absolute subject to condition that the Appellant shall attend the concerned Police Station as and when required and the Appellant shall not contact with the first informant and prosecution witnesses.

9. All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)