

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1226 OF 2024

1. Devidas Baban Giri Appellants
2. Dnyaneshwar Baban Giri

V/s.

The State of Maharashtra & Anr. Respondents

Mr. Rupesh A. Zade, for the Appellants.

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

Mr. Ankur Pahade, Appointed Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 02nd APRIL 2025

P.C:-

. The Special Court has rejected the Bail Application of the Appellants.

2. The Appellants are apprehending arrest, in connection with investigation of Crime No.145 of 2020 registered with Indapur Police Station, Pune, for the offences punishable under Sections 307, 323, 143, 147, 148, 504, 506 and 149 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 3(1)(r)(s), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short) and Section 7(1)(d) of the Protection of Civil

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Rights Act.

3. It is prosecution's case that, on 22nd February 2020, the first informant was assaulted by the co-accused with sharp weapon with intention to kill him. It is alleged that, the Appellants were part of the group who assaulted the first informant.

4. It is contention of the learned counsel for the Appellant that, the name of the Appellants have taken in the present crime after four years and six months in supplementary charge-sheet. In the present case investigation is completed and charge-sheet has been filed against the co-accused as Appellants names registered in the present case after four years and six months. Custodial interrogation of the Appellants is not required and requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellants have assaulted the first informant with sharp weapon with an intention to kill him. Considering the allegations against the Appellants, their custodial interrogation is required and requested to dismiss the Appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record.

7. The names of the Appellants involved in the crime after four years and six months. The role attributed to them are that, they assaulted the first informant along with co-accused, the co-accused have been released on bail. The investigation is completed and charge-sheet has been filed against the co-accused.

8. Considering these facts, custodial interrogation of the Applicants is not required.

9. In such circumstances, the Criminal Appeal is allowed and disposed of in terms of the order dated 21st November 2024, it is made absolute subject to condition that the Appellants shall report to the Investigating Officer as and when required, and shall co-operate with the Investigating Agency and the Appellants shall not contact with the first informant and prosecution witnesses.

10. All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)