

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1300 OF 2024

Sandip Jathar

...Appellant

Vs.

The State of Maharashtra and Anr.

...Respondents

Adv. R. R. Mishra a/w Adv. Hasan Shaikh	Advocate for the Appellant
Mr. Rohan Mahadik, Ms. Mekhala More i/by The Juris Partners	Advocate for the Respondent No. 2
Mr. A. S. Gawai	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 09th OCTOBER 2025

P. C. :-

1. Heard learned Advocate for the Appellant, learned APP and learned Advocate for the Respondent No. 2-first informant.
2. The present Appellant is one of the accused person in an offence registered with Kalwa Police Station on 22.06.2024. The offences are under Sections 341, 406, 420, 447, 504 and 506 read with 34 of the

Indian Penal Code and under Sections 3 (1)(g), 3 (1)(p), 3 (1)(r) and 3 (2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The F.I.R. is lodged by the first informant, who claims to be owner of one of the flat situated in building at Gayatri Apartment. He has purchased that flat from one Brijesh Pandey, who is one of the co-accused. First informant was also put in possession. He has also obtained the loan and it was to be repaid in installment. He has put lock to the room.

3. In a month of January 2020, first informant has decided not to start dispensary. He is a doctor by profession. Accordingly, he requested co-accused Girija Pandey and Brijesh Pandey to find out some purchaser and in confidence he has given a key of that flat. It was Covid period.

4. In the year 2021, when first informant went to visit two flats, he saw other persons were staying there. They are Sandeep Jathar that is present Appellant and one Punjabi. When he protested, the Pandey and two occupiers have threatened him and given caste abuses. That is why, F.I.R. came to be lodged on 22/06/2024. He applied for Anticipatory bail before the Sessions Court. However, it was rejected on 13.11.2024

5. Learned Advocate for the Appellant tried his level best to

convince me that this F.I.R. is a misuse of the Criminal law and it is filed to pressurize Brijesh Pandey and present Appellant to hand over the possession. The duration of the offence is from 2014 to 2021. It is huge period and allegations about caste abuses are very vague in nature. He submitted that in fact his relatives entered into leave and license agreement in the April 2022, hence there is no question for giving abuses in the year 2021. First informant has paid entire consideration for both the flats.

6. Whereas learned APP and learned Advocate for the first informant brought to my notice the dismissal of the appeal filed by co-accused- Girija Shankar Pandey, it was rejected on 08.10.2024 (Coram:- Sandeep V. Marne J.) The said Girija Pandey has given an undertaking that possession of the flat will be handed over back, but he has failed. When he approached the Hon'ble Supreme Court, there also his SLP was not entertained.

7. I find that even the appeal of this Appellant cannot be allowed. There are caste abuses. So no interference is warranted.

8. The appeal is dismissed.

[S. M. MODAK, J.]