

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1343 OF 2024**

Rehan Raja Zakir Hussain Khan	...Appellant(s)
Versus	
The State Of Maharashtra and anr.	...Respondent(s)

Mr. Rohan Hogle along with Mr. Nagesh Khedkar i/b. Mr. Wasim Shaikh,
Advocate for the Appellant.
Mr. S. A. Karmarkar, APP for Respondent No.1-State.
Ms. Sabiha Ansari along with Ms. Sanoba Sayed and Ms.Sana Khan i/b.
Ms. Sabiha Ansari, Advocate for Respondent No.2.
PSI-Ajinkya Dhonde, Central Police Station, Ulhasnagar.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th JULY, 2025.

P.C. :

1. The anticipatory bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.
2. The appellant apprehends arrest in Crime No.1066 of 2024 registered with Central Police Station for offences punishable under Sections 118(1), 189(2), 189(3), 189(4), 190, 191(2), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3((1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that on 8th October 2024 at 1.30 pm, when the informant was returning to his home on motorcycle, at that time, a motor car of accused No.1 was stationed on road. The door of the said car was open, so the first informant asked accused No. 1 to close it, as it was causing inconvenience to passersby. It is alleged that due to the suggestion of the first informant, accused No.1 and co-accused got annoyed and they assaulted the first informant and abused him on caste. It is alleged that the appellant assaulted the first informant with helmet.

4. It is contention of learned counsel for the appellant that there are no allegations against the appellant about abuse on caste. The allegations against him are that he assaulted the first informant with helmet. The appellant has co-operated with the investigation. The investigation is already completed and charge-sheet is filed against the appellant. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant and co-accused assaulted the first informant and abused him on caste. There are specific allegations against the appellant that he assaulted the first informant on his head with helmet. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel, perused the FIR and documents produced on record. In the FIR, there are no allegations

against the appellant that he abused the first informant on caste. The investigation is completed and charge-sheet has been filed against the appellant. Considering these facts, his custodial interrogation is not required and I pass following order :

ORDER

- (i) In the event of arrest, the appellant be enlarged on bail in Crime No.1066 of 2024 registered with Central Police Station, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall attend the concerned police station as and when required.

The appeal is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)