

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE JURISDICTION

CRIMINAL APPEAL NO. 42 OF 2025

1. Babu Yashwant Gaikwad .... Appellants
2. Mallinath Hanmant Gaikwad

**Versus**

The State of Maharashtra & Anr. .... Respondents

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Adv. Priyal Sarda a/w Ms. Sonali Dighe, Advocate for the Appellants.

Mr S. H. Yadav, APP, for the Respondent – State.

Mr. Harshad A. Sathe i/b Mr. Vinayak Patil, Advocate for Respondent No.2.

Mr. K. V. Raut, HC, Akkalkot South Police Station – Present.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 5<sup>th</sup> MAY, 2025.**

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**P.C. :**

1. The Appellants apprehends arrest in Crime No. 613 of 2024 registered with Akkalkot Police Station, Akkalkot, District: Solapur, for the offences punishable under Section 126(2), 118(1), 76, 189(2), 191(2), 190, 352, 351(2), 49, 47 of the Bharatiya Nyaya Sanhita and under Section 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(y) of the Schedule Cast and Schedule Tribes (Prevention of Atrocities) Act, 1989.

Shantanu S. Dhudum

*This order is corrected as per speaking to the minutes of order dated 18<sup>th</sup> June, 2025.*

2. It is prosecution's case that on 26<sup>th</sup> October, 2024, when the first informant was going on motorcycle with Kalyani Gaikwad, at that time, the Appellants and co-accused intercepted them and assaulted them and abused on cast on the ground that one Arogya Shibir was organized in the temple by the first informant.

3. It is contention of learned counsel for the Appellants that Appellants have been falsely implicated in this case. The matter is settled between the parties out of the Court. The first informant has no objection to allow the appeal. Hence, requested to allow the appeal.

4. It is contention of learned APP that the Appellants and co-accused have assaulted the first informant and Police Patil for organizing Arogya Shibir in temple. They have abused them on cast. Considering the allegations against them, their custodial interrogation is required, and requested to dismiss the appeal.

5. It is contention of learned counsel for Respondent No.2, on instructions, that matter is settled between the parties, and the Respondent No.2 has no objection to allow the appeal.

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

7. The allegations against the Appellants are that Appellants

and co-accused assaulted the first informant and abused him on cast for organizing Arogya Shibir in temple. The allegations of cast or abuse are in chorus. The matter is settled between the parties. Considering these facts, I pass following order:

**ORDER**

- i. The appeal is allowed.
  - ii. In the event of arrest, the Appellants be released on bail in Crime No.613 of 2024 registered with Akkalkot South Police Station, Akkalkot, District: Solapur, on executing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount.
  - iii. The Appellants shall attend the concerned Police Station as and when required by the Investigating Officer.
8. The appeal is allowed in the aforesaid terms and is accordingly disposed of.
9. All the concerned to act on the authenticated copy of this order.

( SHIVKUMAR DIGE, J.)