

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.53 OF 2025

Vijay Prakash Tambe & Ors. .... Appellants

V/s.

State of Maharashtra & Anr. .... Respondents

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Mr.Jaydeep D. Mane, for the Appellants.

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

Ms.Komal Sinha, for Respondent No.2.

Mr.Kishor Talekar, PC, Kurduwadi Police Station.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 02<sup>nd</sup> 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.452 of 2024, registered with Kurduwadi Police Station, for the offences punishable under Section 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bhartiya Naya Sahita Act and under Sections 3(1)(r) 3(1)(s), 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST' Act).

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3. It is prosecution's case that, on 18<sup>th</sup> October 2024 around 6 p.m., first informant was assaulted by the Appellant's and co-accused with an intention to kill him. It is alleged that, co-accused abused the first informant on his caste.

4. It is contention of the learned counsel for the Appellants that, the Appellant No.1 has been arrested during pendency of the Appeal. Hence, his Appeal has become infructuous. The learned counsel further submitted that, the allegations against the Appellant Nos.2 and 3 are that, they have assaulted the first informant with fist and kick blows. There are no allegations against them that, they abused the first informant on caste. Considering the allegations against the Appellants, their custodial interrogation is not required and requested to allow the Appeal.

5. It is contention of learned APP alongwith learned counsel for Respondent No.2 that, the Appellants and co-accused assaulted the first informant with an intention to kill him. The Appellants were aware about the caste of the first informant, in spite of that, without any reasonable ground they assaulted 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 charge-sheet.

7. The allegations against the Appellants are that, they assaulted the first informant with fist and kick blows. It is alleged that, Accused No.1 abused the first informant on caste. There are no allegations against the Appellants that, they have abused the first informant on caste.

8. Considering these facts their custodial interrogation is not required and I pass following order.

### **ORDER**

(i) The Appeal is allowed.

(ii) The Appellants be released on bail in Crime No.452 of 2024, registered with Kurduwadi Police Station, on executing a P.R. Bond in the sum of Rs.30,000/- each with one or two sureties each in the like amount.

(iii) The Appellants shall attend the concerned Police Station as and when required.

(iv) The Appellants shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(v) All pending Applications are disposed of.

**(SHIVKUMAR DIGE, J.)**