

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 99 OF 2025**

Vaibhav Sadashiv Ghude

... Appellant

versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Ishan Jangam along with Ms. Sneha Mishra i/b.Mr. Umesh Iyer,
Advocate for the Appellant.

Ms. Ranjana D. Humane, APP for Respondent No.1-State.

Mr. Arun Rajput along with Mr. Viral Mukte, Advocate for Respondent
No.2.

Mr. V. S. Pawar, PSI, Murbad Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st JULY, 2025.

P.C. :

1. The anticipatory bail application of the appellant is rejected by the Addl. Sessions Judge-6, Kalyan, hence, the appellant is before this Court by way of this appeal.

2. The appellant apprehends arrest in Crime No.22 of 2025 registered with Murbad Police Station for offences punishable under Sections 109, 115(2), 352, 351(2), 189(2), 191(2), 191(3), 190 and 118(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) and 3(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sections 135 and 37(1) of the Maharashtra Police Act, 1951.

3. It is prosecution's case that the first informant was putting up posters welcoming the devotees for the Mhasa Yatra at Saralgaon Naka. At that time, the appellant and co-accused assaulted the first informant and his brother and abused them on caste.

4. It is contention of learned counsel for the appellant that there are no allegations against the appellant about abuse on caste. The main allegations are against the co-accused. 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 abused the first informant and his brother on caste and assaulted them with iron rods, chopper and other weapons. The appellant had actively participated in assault of the first informant. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all learned counsel, perused the FIR and documents produced on record.

7. The allegations against the appellant are that he along with co-accused assaulted the first informant and his brother. There is no allegation against the appellant about abuse on caste to the first informant and his brother. Considering these facts, custodial interrogation of the appellant is not required. Interim protection is operating in favour of the

applicant since 3rd March 2025 and he has co-operated with the investigation, hence, I pass following order :

O R D E R

1. The order dated 3rd March 2025 passed by this Court is confirmed.
2. The appellant shall attend the concerned police station as and when required.
3. The appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.

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.)