

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 155 OF 2025**

Sakhawat Ali Mohd. Murtuza Ansari

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

WITH**CRIMINAL APPEAL NO. 156 OF 2025**

Mohammed Ali Mohd. Murtuza Ansari

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Ameya Lambhate, Advocate for the Appellants in both the Cr. Appeals.

Ms. Shilpa G. Dhumal, APP for the State.

Ms. Komal Sinha, Advocate for Respondent No.2 in both the Cr. Appeals.

ACP – Prachi Karne, Vikhroli Police Station present.

CORAM : SHIVKUMAR DIGE, J.**DATED : 9th JUNE, 2025.****P.C. :**

1. The appellants are apprehending arrest in C.R.No. 672 of 2024 registered with Vikhroli Police Station for the offences punishable under Sections 308(4), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and under Sections 3(1)(r), 3(1)(s) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution’s case that the first informant was providing material for filling of drainage line. The co-accused was asking ransom

from the first informant. It is alleged that on 27.12.2024, the co-accused was with appellants, he called the first informant and asked him to pay the ransom. It is alleged that the co-accused Shri. Afzal abused first informant on caste, and the appellants threatened the first informant, though they were aware about caste of the first informant.

3. It is contention of learned counsel for the appellants that appellants have been falsely implicated in this case. The main allegations are against the co-accused Afzal, he was arrested by the police and he has been released on regular bail. There are no allegations against the appellants about abusing on caste to the first informant, hence requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the appellants and co-accused have threatened the first informant to pay ransom. They abused the first informant on caste. The appellants were aware about the caste of the first informant. The incident was happened in public view. Considering the allegations against the appellants, their custodial interrogation is required and requested to dismiss the appeal. Learned APP further submitted that there are antecedents against the appellants.

5. I have heard all learned counsel. The allegations against the appellants are that the appellants and co-accused have threatened the first

informant to pay ransom. The main allegations are against the co-accused Afzal. There are no allegations against the appellants that they abused first informant on caste.

6. It is contention of learned counsel for the respondent No.2 that CCTV footage shows the presence of the appellants at the time of incident. In the FIR there are no allegations against the appellants that they abused the first informant on caste. Considering these facts, their custodial interrogation is not required and I pass following order.

ORDER

- i. In the event of arrest of appellants in C.R.No. 672 of 2024 registered with Vikhroli Police Station, the appellants shall be released on bail on executing P.R.Bond in the sum of Rs.30,000/-, each with one or two solvent sureties in the like amount.
- ii. The appellants shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- iii. The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The Trial Court shall not be influenced by the observations

made in this order and shall decide the matter on its own merits and in accordance with law.

7. Both the appeals are allowed in the aforesaid terms and accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)