

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 241 OF 2025**

1. Parashram Namdeo Labhade
2. Bhaskar Namdeo Labhade
3. Dinkar Namdeo Labhade
Versus
1. State of Maharashtra
2. Bharat Kachru Kokate

...Appellants
...Respondents

Mr. Aniket Nikam i/b. Mr. Sumit Patil, Advocate for the Appellant.
Mr. Ashok R. Metkari, APP for Respondent No.1-State.
Mr. Subhankar Avhad, Advocate for Respondent No.2.
PSI-Machindra Kolhe, Pimpagaon Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th JULY, 2025.

P.C. :

1. The anticipatory bail application of the appellants is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. The appellants apprehend arrest in Crime No. 29 of 2025 registered with Pimpalgaon Police Station, Nashik Rural, for offences punishable under Sections 74, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 324(2), 351(2) and 352 and 324(4) 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.

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3. It is prosecution's case that on 28th January 2025 at about 9.30 am, father of the first informant was doing agricultural work. At that time, construction of road towards the house of the first informant was going on and a tractor was standing on that road. At that time, accused No.6-Yash Labhade was going from the road passing from the agricultural land of the first informant on his bicycle. At that time, the handle of the bicycle hit the father of the first informant and he got injured. Thus, the father of the first informant warned him to ride the bicycle carefully. Upon which, he got angry and left that place. Thereafter, at around 4.30 pm when the first informant and his father were doing agricultural work, accused No.6-Yash Labhade, co-accused and appellants went there and assaulted the first informant and his father with wooden sticks. It is alleged that the appellants and co-accused abused the first informant on caste. The allegations against appellant No.1 are that he abused the first informant on caste and pushed him down and the allegations against appellant Nos.2 and 3 are that they snatched the gold chains worn by the mother and wife of the first informant.

4. It is contention of learned counsel for the appellants the appellants have been falsely implicated in this case. There are no allegations against the appellants that they had abused the first informant on his caste. Learned counsel further submitted that cross-complaint is filed against the first informant and his family members. The family members of the appellants have suffered grievous injuries. Interim

protection is operating in favour of appellant Nos.2 and 3 and they have cooperated with the investigation. Learned counsel further submitted that the allegations against appellant No.1 are mere caste abuse. Mere caste abuse cannot be considered ground to deny bail to appellant No.1. Hence, requested to allow the appeal.

In support of his contention, learned counsel for the appellants relied on judgments passed by this Hon'ble Court in **Jairam and anr. Versus The State of Maharashtra 2 Bom CR (Cri) 668, Nitin and anr. Versus State of Maharashtra (2019) 2 Bom CR (Cri) 215 and Criminal Appeal No.944 of 2019(Bhaktaraj S/o. Parasram Angulwar versus The State fo Maharashtra and anr.) dated 16th December 2019.**

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellants and co-accused assaulted the first informant and his father brutally with wooden sticks and other weapons. They did not spare the mother and wife of the first informant. There are specific allegations against the appellants in FIR. Appellant No.1 abused the first informant on caste and pushed him on ground. Whereas, appellant Nos. 2 and 3 snapped the gold chains worn by the mother and wife of the first informant. 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 the FIR and documents produced on record. The genesis of the incident is verbal altercations between the first informant's father and accused No.6-Yash Labhade. Appellant No.1 is the father of accused No.6-Yash Labhade. The allegations against appellant No.1 is that he abused the first informant and pushed him on ground and other accused assaulted the first informant and his father. The FIR also contains the allegations regarding the overt act committed by appellant No.1. As mentioned, there are no allegations against appellant Nos. 2 and 3 regarding any caste-based abuse directed at the first informant or his father. The allegations against them are that they snapped the gold chain worn by the mother and wife of the first informant. Considering these facts, custodial interrogation of appellant Nos.2 and 3 is not required and there are specific allegations against appellant No.1 regarding abuse on caste and pushing down the first informant on ground, hence, his custodial interrogation is required. I have gone through the case laws cited by learned counsel for the appellant. The facts of cited cases and present case are different, hence, not applicable and I pass following order :

ORDER

- (I) Appeal against appellant No.1-Parashram Namdeo Labhade is dismissed.
- (ii) In the event of arrest, Appellant Nos.2 and 3 viz. Bhaskar Namdeo Labhde and Dinkar Namdeo Labhade be enlarged on

bail in Crime No. 29 of 2025 registered with Pimpalgaon Police Station, Nashik Rural, on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(iii) Appellant Nos.2 and 3 viz. Bhaskar Namdeo Labhde and Dinkar Namdeo Labhade 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.)