

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.248 OF 2025

Hiralal Chintaman Gajare Appellant

V/s.

State Of Maharashtra And Anr Respondents

**WITH
CRIMINAL APPEAL NO.337 OF 2025**

Kishor Hiralal Gajare Appellant

V/s.

State Of Maharashtra And Anr Respondents

Ms.Rekha Musale, for the Appellant in both Appeals.

Mr.Ashok R. Metkari, APP, for Respondent-State in both Appeals.

Ms.Smita S. Solwat, for Respondent No.2 in Appeal No.248 of 2025.

Mr.Ishan Jangam, for the Respondent No.2 in Appeal No.337 of 2025.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st JULY 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.35 of 2025, registered with Bhigwan Police Station, Indapur, Pune Rural, for the offences punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyay Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2) and 3(2) (va) of the Scheduled Caste and the Scheduled Tribes (for short 'Prevention of Atrocities') Act, 1989 ('SCST' Act).

3. It is prosecution case that, on 23rd January 2025 around 8.30 a.m., when the First Informant was collecting fishnet thrown in river, at that time, the Appellants and co-accused came there and assaulted the First Informant with iron rod, sickle, fist and kick blows. It is alleged that, one of the co-accused had snatched her gold chain and threatened the first informant.

4. It is contention of the learned counsel for the Appellants that, Appellants have been falsely implicated in this case. At the time of the commission of the offence, the Appellant Kishor Gajare was not present. The learned counsel further submitted that, all the offences registered against the Appellants are bailable, except under Prevention of Atrocities Act. There are

no allegations about abusing the first informant on caste. Hence, requested to allow the Appeal.

5. It is contention of the learned APP alongwith learned counsel for Respondent No.2 in both Appeals that, the Appellants and co-accused assaulted the first informant with iron rod, sickle, fist and kick blows. The first informant was injured and he has filed complaint immediately. The Appellants are influential persons, their custodial interrogation is required. Hence, requested to dismiss the Appeal.

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

7. The allegations against the Appellant are that, Appellants and co-accused assaulted the first informant with iron rod, sickle, kick and fist blows. On the basis of the injuries, police have registered offences against the Appellants. The sections applied against the Appellants are bailable, except offence under Atrocities Act. There are no allegations against the Appellants of abuse on caste to the first informant. Considering allegations against them their custodial interrogation is not required. The

Appellants have co-operated with the investigation when they were on interim bail.

8. In such circumstances, the Criminal Appeals are allowed and disposed of in terms of the order dated 5th May 2025, it is made absolute.

9. All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)