

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 282 OF 2025

Indrajit Hindurao Desai

.... Appellant

Versus

The State of Maharashtra & Anr.

.... Respondents

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Mr. Shailesh Kharat i/b Adv. Yogesh Birajdar, Advocate for the Appellant

Mr. P. P. Deokar, APP, for the Respondent – State.

Mr. Sumitkumar Nimbalkar, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. The Appellant has challenged the impugned order dated 4th March, 2025 passed by the learned Additional Sessions Judge, Wai District : Satara, (for short “the learned Judge”).

2. The Appellant is seeking regular bail in Crime No.384 of 2024 registered with Bhuinj Police Station, District : Satara, for the offence punishable under Sections 140(1), 140(2), 109, 3(5) & 61 of the Bharatiya Nyaya Sanhita and under Sections 3(2)(v), 6 of the

Schedule Caste and Schedule Tribes Act (Prevention of Atrocities Act).

3. It is prosecution's case that on 28th November, 2024 around 6:45 p.m. the co-accused kidnapped the first informant and his friend and inflicted grievous injuries on them with knife with intention to kill him and assaulted his friend with fist and kick blows. It is alleged that said act was done on the say of the Appellant.

4. It is contention of learned counsel for the Appellant that the Appellant has been falsely implicated in this case. Several civil matters are pending between the Appellant and first informant. The Appellant was not present at the spot of incident. The Appellant is sole earning member of his family. The Appellant wife is pregnant and her delivery is expected on 11th April, 2025. Learned counsel further submitted that the matter is settled between the Appellant and first informant and first informant has filed affidavit before this Court that he has no objection to allow the appeal. Hence, requested to allow the appeal.

5. It is contention of learned APP that on the say of the Appellant. Co-accused kidnapped the first informant and his friend, and assaulted them with knife. They attempted to kill the first

informant and his friend. The Appellant was aware about cast of the first informant. If Appellant is released on bail, he may threaten the prosecution witness and first informant. Hence, requested to dismiss the appeal.

6. It is contention of learned counsel for the Respondent No.2 that matter has been settled out of the Court. The complaint was filed against the Appellant due to misunderstanding. The first informant has no objection to allow the appeal, and requested to pass appropriate order.

7. I have heard both learned counsel. Perused charge sheet.

8. The allegations against the Appellant are that on his instruction, co-accused kidnapped the first informant and his friend, and assaulted them with a knife with the intention to kill them. The first informant belongs to schedule cast. Admittedly, at the time of incident the Appellant was not present. Investigation is completed and charge sheet has been filed against the Appellant. The Appellant is behind bar for more than five years. Considering these facts, I pass following order:-

ORDER

- i. Appeal is allowed.

- ii. The Appellant - Indrajit Hindurao Desai be released on bail in Crime No. 384 of 2024 registered with Bhuinj Police Station, District : Satara, on executing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
 - iii. The Appellant shall attend the concerned police station as and when required.
 - iv. The Appellant shall remain present before the trial Court on each date unless exempted by the trial Court.
9. The appeal is allowed in the aforesaid terms and is accordingly disposed of.
10. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)