

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

CRIMINAL APPEAL NO.294 OF 2025

Vishwajit Rajasaheb Bhaduriya Appellant

V/s.

State of Maharashtra & Anr. . . . Respondents

Mr.Nilesh Narale, for the Appellant.

Mr.Ashok R. Metkari,APP, for the Respondent-State.

Mr.D.A. Bhalerao, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

P.C:-

. The Special Court has rejected the Bail Application of the Appellant.

2. The Appellant is apprehending arrest, in connection with investigation of Crime No.1042 of 2024, registered with Shivaji Nagar Police Station, Ambernath, District-Thane, for the offences punishable under Sections 118(1), 74, 298, 333, 324(4), 324(5), 189(1), 189(2), 189(3), 191(2), 190 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(1)(t) of the Scheduled Caste and the Scheduled Tribes (Prevention of

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Atrocities) Act, 1989 ('SCST' Act).

3. It is prosecution's case that, first informant's sister is landlord of the Appellant. On 9th December 2024 around 11.30 p.m., there was quarrel between the first informant and co-accused. It is alleged that on the same day at 3.00 p.m., when first informant was present in her house alongwith two sons, the co-accused and the Appellant barged in her house and assaulted her.

4. It is contention of learned counsel for the Appellant that, the Appellant has been falsely implicated in this case. The name of the Appellant is not mentioned in the FIR. The main co-accused have been released on anticipatory bail by the Sessions Court. There are no allegations against the Appellant that, he abused the first informant on caste. Hence, requested to allow the Appeal.

5. It is contention of learned APP alongwith learned counsel for Respondent No.2 that, first informant's sister was landlord of the Appellant and his family. Due to dispute on the ground of vacating the room, the Appellant and co-accused

assaulted the first informant and her family members by entering in her house. Considering the allegations against the Appellant, custodial interrogation is require. Hence, requested to dismiss the Appeal.

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

7. In FIR there are allegations against co-accused Monty and Shraddha, who are released on bail by the Sessions Court. The allegations against the Appellant are that, he was part of the group who entered in the house of the first informant and assaulted, abused the first informant on his caste. In FIR there are no specific allegations against the Appellant. Considering these facts, his custodial interrogation is not required and I pass following order.

ORDER

(i) The Appeal is allowed.

(ii) In the event of arrest, the Appellant- Vishwajit Rajasaheb Bhaduriya be released on bail in Crime No.1042 of 2024, registered with Shivaji

Nagar Police Station, Ambernath, District-Thane, on furnishing PR bond of Rs.30,000/- with one or two solvent sureties in the like amount.

(iii) The Appellant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluence by the observations made in this order.

(v) The Appellant shall give attendance before the Investigating Officer as and when required.

(vi) The Appeal is allowed in the aforesaid terms.

(vii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)