

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 325 OF 2025

Chandrakant Raghunath Jadhav And Ors

... Appellants

Versus

State of Maharashtra & Anr.

... Respondents

WITH

CRIMINAL APPEAL NO. 335 OF 2025

Arvind Raghunath Jadhav And Anr

... Appellants

Versus

State of Maharashtra & Anr.

... Respondents

WITH

CRIMINAL APPEAL NO. 336 OF 2025

Dipak Rangnath More

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

WITH

CRIMINAL APPEAL NO. 363 OF 2025

Satish Ramrao Deshmane And Anr.

... Appellants

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Abhijit Patil, Advocate for the Appellant in Appeal/325/2025.

Mr. Dhananjay Thoke, Advocate for the Appellant in Appeal/335/2025

Ms. Deepti Thorat, Advocate for the Appellant in Appeal/336/2025

Mr. Shirish Gupte, Senior Advocate a/w. Mr. Ramesh Dube Patil a/w. Mr. Ashish Gabhale, Iraa Dube Patil and Mr. Ankit Patil i/b. Mr. Ankit Patil & Co. Advocates for the Appellant in Appeal/363/2025.

Mr. S. H. Yadav, APP for the State in Appeal/325/2025

Mr. P. P. Jadhav, APP for the State in Appeal/335/2025

Mr. Kiran C. Shinde, APP for the State in Appeal/336/2025

Mr. P. P. Bhosale, APP for the State in Appeal/363/2025
Mr. Hrishikesh Giri, Advocate for Respondent No.2 in all matters.
PSI – Mr. Machindra Kolhe, Pimpalgaon Police Station present.

CORAM : SHIVKUMAR DIGE, J.
DATED : 28th APRIL, 2025.

P. C. :

1. Heard all learned counsel for the respective parties.
2. In the FIR it is mentioned that on 07.07.2024 when first informant was not present at his hotel Shiv Sai, the appellants and co-accused came there and damaged the articles in hotel and thrown it away outside the hotel. It is alleged that the appellants and co-accused had abused nephew of the first informant on caste.
3. It is contention of learned Senior counsel for the appellant in Cr.Appeal No.363 of 2025 that appellant owns the petrol pump and cold storage near the spot of incident. The appellants have no concern with the first informant and co-accused. The stall of the first informant is demolished by the highway Authority. At the time of incident, appellants were not present. The appellants never abused first informant on caste. There is delay of 8 months in lodging the FIR. Learned Senior Counsel further submitted that reminder notice for removal of unauthorised establishments was issued by National Highways Authority of India (NHAI) on 20.06.2024 to accused No.1 who is the owner of the land where hotel

of first informant was situated.

4. It is contention of learned APP and learned counsel for respondent No.2 that the ownership of accused No.1 is disputed. The first informant is owner of the land, where he was running his hotel. To remove first informant from the said land behind his back the appellant and co-accused demolished the hotel of the first informant and thrown away articles in it on road. Learned APP further submitted that the present appellant is the relative of accused No.1 and he was present at the time of incident. The incident of demolition of the hotel of the first informant is recorded in mobile. In the mobile recording it can be seen that the hotel of the first informant is not demolished by the Highway Authority. No police personnel were present at the time of demolition, but it is demolished by the accused No.1, co-accused and appellant was present at the time of incident. It shows his involvement in the crime.

5. Learned APP further submitted that though there is delay in lodging the FIR but after filing the application by the appellant, the preliminary enquiry was directed to conduct and meeting was going on between the first informant and appellant for compromise. Learned APP and learned counsel for respondent No.2 submitted that they will file detailed reply in that regard before this Court.

6. I have heard all learned counsel. Perused FIR. In the FIR, the

allegations are that when first informant was not present at his hotel, present appellants and co-accused came there, caused damage to the hotel articles kept in the hotel and thrown it away on the road. At that time, nephew of the appellant viz. Gorakh Suryavanshi was present. It is alleged that the appellants and co-accused abused him on his caste. It appears from the record that first informant had filed private complaint under Section 156(3) of Cr.P.C. before the learned Special Court alleging that police were not taking cognizance of his complaint. In the said complaint, the first informant has mentioned that at the time of incident, his nephew Rinku Sonwane was present. In the FIR the allegations are made against the present appellants and other co-accused are in chorus. Prima facie, it appears that there is delay of 8 months in lodging the FIR. Learned APP and learned counsel for respondent No.2 seeks time to file reply showing that there is no delay in lodging the FIR and there are 29 photos of the said incident and there is mobile recording in respect of the demolition of the hotel, considering these facts, I pass following order :

ORDER

- i. In the event of arrest, the Appellants be released on bail in C.R.No. 60 of 2025 registered with Pimpalgaon Police Station, Nashik on executing PR. Bond of Rs.25,000/- each with one or two sureties in the like

amount till final order.

- ii. The Appellants shall attend the concerned police station as and when required by the Investigating Officer.

7. List the appeals on **7th May, 2025** for filing reply.

(SHIVKUMAR DIGE, J.)