

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 345 OF 2025

1. Akshay Sadashiv Ghude Appellants
2. Vishnu Sadashiv Ghude

Versus

The State of Maharashtra and Anr. Respondents

Mr. Satyam Nimbalkar i/b Mr. Abhishek Arote, Advocate for the Appellants.

Ms. Ranjana D. Humane, APP, Advocate for Respondent – State.

Mr. Arun Rajput a/w Mr. Viral Mukte, Advocate for Respondent No.2.

Mr. V. S. Pawar, PSI, Murbad Police Station – Present.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 25th JUNE, 2025.

P.C. :

1. This appeal is preferred against the rejection of anticipatory bail application of the Appellants by the Special Court, Kalyan.

2. The Appellants apprehend arrest in Crime No.22 of 2025 registered with Murbad Police Station, for the offences punishable under Sections 109, 115(2), 352, 351(2), 189(2), 191(2), 191(3), 190 and 118(1) of the Bharatiya Nyaya Sanhita, 2023 (for short

“BNS Act”) along with Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) and 3(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 135 and 37(1) of the Maharashtra Police Act, 1951.

3. It is prosecution’s case that on 13th January, 2025 at around 00:45 hours, the first informant was putting up banner welcoming devotees of “Mhasa Yatra” at Sarlgaon Naka. At that time, the Appellant No.1/Akshay called first informant in hotel. When he went there, the Appellant No.1 abused the first informant on his caste on the ground of putting of banner. It is alleged that when the first informant came out of the hotel, at that time the Appellant No.2 and co-accused Vaibhav came there and the Appellant No.1 followed the first informant. It is alleged that the Appellant No.1 assaulted the first informant and his brother with iron rod. In scuffle, the first informant fell on ground, it is alleged that, at that time, the Appellant No.2 sat on his chest and assaulted him with iron fighter on his face and abused him on his caste.

4. It is contention of learned counsel for the Appellants that, the Appellants have been falsely implicated in this case. The Investigating Officer has filed a report stating that though six CCTV

cameras were available near the incident spot, but no one had captured the said incident. The incident had not happened in public view. The Appellants are reputed person in the said village. Though, offence is registered under Section 109 of the BNS Act, but only simple injuries are suffered by the first informant. It shows that false complaint is filed against the Appellants. Learned counsel further submitted that there is no independent witness to show that the Appellants had abused the first informant on his caste. Hence, requested to allow the appeal.

Learned counsel for the Appellants relied on *Salim Abdul Shaikh Vs. State of Maharashtra in Criminal Appeal No. 1030 of 2018*.

5. It is contention of learned APP along with learned counsel for the Respondent No.2 that the Appellants are main accused, they have assaulted the first informant and his brother and abused him on his caste. Learned APP further submitted that the statement of independent witnesses have been recorded. They have stated that the Appellants and co-accused assaulted the first informant and his brother and abused them on his caste. Learned APP further submitted that the incident happened in front of the hotel of the

Appellants. There is CCTV camera in the said Hotel, but the Appellants have not produced CCTV footage to show that the incident did not taken place. Considering allegations against the Appellants, their custodial interrogation is required, and requested to dismiss the appeal.

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

7. The allegations against the Appellants are that they along with co-accused assaulted the first informant and his brother on the ground of installing the banner and abused them on caste. In the F.I.R., there are specific allegations against the Appellants that they assaulted the first informant by iron fighter & rod, and abused him on his caste. The statement of independent witnesses shows that the incident had happened, and the Appellants and co-accused assaulted the first informant and abused him on caste. Considering the allegations against the Appellants, their custodial interrogation is required.

8. I have gone through the case law cited by the learned counsel for the Appellants, the facts of the present case and cited case are different, hence not applicable.

9. In view of the above, I pass following order :

ORDER

(i). The Appeal is dismissed.

(SHIVKUMAR DIGE, J.)