

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 389 of 2025**

Omkar Satish Koli ... Appellant

versus

The State of Maharashtra and anr. Respondents

Mr. Nagesh Chavan, Advocate for the Appellant.

Mr. Pankaj P. Deokar, APP for Respondent No.1-State.

Mr. Govind Solanke, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2025.

P.C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.
2. By this appeal, the appellant is seeking regular bail in Crime No.58 of 2025 registered with Sangli Rural Police, Sangli, for offences punishable under Section 118(1) of the Bharatiya Nyaya Sanhita, 2023.
3. It is prosecution's case that on 28th February 2025 at about 5.00 pm as per the instructions of the Sarpanch, the first informant was cleaning the drainage near Basveshwar Temple. At that time, the appellant came there and told the informant that there is foul/dirty smell of the gutter emanating from the drainage and he should use B.S.C.powder

but the informant and the sarpanch did not listen to him. It is alleged that on the same day at about 6.30 pm., when the informant, sarpanch and one other person were sitting at Zenda Chown, the appellant came there and assaulted the first informant by giving fist blows on his stomach.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. In the FIR, there are no allegations that the appellant abused the first informant on his caste. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant was aware about the caste of the first informant as both were residing in the same village. The appellant, without any reason, assaulted the first informant. The appellant used blade while assaulting the first informant. Considering the allegations against the appellant, his custodial interrogation is required and requested to reject the application.

6. I have heard all learned counsel, perused the FIR and documents produced on record. In the FIR, the allegations are in respect of assault on first informant. There are no allegations regarding abuse on caste. The injuries suffered by the first informant are simple injuries. Considering the allegations against the appellant, his custodial interrogation is not required and I pass following order :

ORDER

- (i) In the event of arrest, the appellant be enlarged on bail in Crime No.58 of 2025 registered with Sangli Rural Police, Sangli,, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall attend the concerned police station as and when required.
- (iii) The appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.

The appeal is allowed in the aforesaid terms and is accordingly disposed off.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)