

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 390 OF 2025

1. Rajesh Ganpat Mane
2. Ramchandra Ganpat Mane
3. Nikhil Anil Jadhav

.....Appellants

VERSUS

1. The State of Maharashtra
2. Pranay Baliram Jadhav

.....Respondents

Mr. Rushikesh Kale i/b. Mr. Piyush Chhabria, Advocate for the Appellants.
Mr. B. V. Holambe Patil, APP for Respondent No.1-State.
Mr. Alankar Kirpekar along with Mr. Susmit Phatale, Mr. Somnath Kale
and Mr. Ayush Tiwari, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st AUGUST, 2025.

P.C. :

1. By separate order, the appeal against appellant Nos.1 and 2 is disposed of as withdrawn.
2. The bail application of the appellants is rejected by the Trial Court, hence, the appellants are before this Court by way of this appeal. The present bail application is restricted to appellant No.3 only.
3. Appellant No.3 is apprehending arrest in Crime No.277 of 2025 registered with Manpada Police Station, Thane City, for offences punishable under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Sections 3(5), 115(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita 2023 .

4. It is prosecution's case that on 13th March 2025, appellant No.3 and co-accused assaulted the first informant with fists and kick blows and abused him on caste on the ground of applying colour on the festival of Holi.

4. It is contention of learned counsel for appellant No.3 that appellant No.3 is falsely implicated in this case. There are no allegations against appellant No.3 in FIR that he abused the first informant on caste. Other offences except offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant No.3 are bailable. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that appellant No.3 and co-accused assaulted the first informant and his family members with fists and kick blows by entering into his house. They abused the first informant and his family members on caste. Considering the allegations against appellant No.3, his custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel, perused the FIR and documents produced on record.

7. In the FIR, the allegations against appellant No.3 are that when the first informant was lying on the ground, at that time, the appellant assaulted him with fist and kick blows. The main allegations are against appellant Nos.1 and 2. There are no allegations against appellant

No.3 about abuse on caste. Considering the allegations against appellant No.3, his custodial interrogation is not required and I pass following order :

ORDER

- (i) In the event of arrest, Appellant No.3-Nikhil Anil Jadhav be enlarged on bail in Crime No.277 of 2025 registered with Manpada Police Station, Thane City, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Appellant No.3 shall attend the concerned police station as and when required.

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

8. 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.

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

(SHIVKUMAR DIGE, J.)