

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 412 OF 2025**

Sharad Bhima Pawar

Appellant/s

versus

The State of Maharashtra and anr.

Respondent/s

Mr. Chetan H. Deshmukh, Advocate for the Appellant.

Ms. Anuja Gotad, APP for Respondent No.1-State.

Mr. Siddharth Sutaria, Advocate for Respondent No.2.

Mr. Machindra Kolhe, Pimpalgaon Police Station, Nashik, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st JULY, 2025.

P.C. :

1. The anticipatory bail application of the appellant is rejected by the Special Judge and Additional Sessions Judge-5, Nashik, hence, the appellant is before this Court by way of this appeal.

2. The appellant apprehends arrest in Crime No.51 of 2025 registered with Wadivarhe Police Station, Nashik for offences punishable under Sections 74, 115(2), 118(1), 352, 351(2), 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that the first informant had quarrel with co-accused – Sharad Shelke. Thereafter, the appellant had threatened the brother of the first informant by making phone call. On 17th February

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2025 at 00.35 am, when the first informant had slept with his family members in his house, it is alleged that the appellant and co-accused came to the door of the first informant's house and forcibly entered the house and assaulted the first informant and his family members. It is alleged that the appellant abused them on their caste.

4. It is contention of learned counsel for the appellant that incident happened in the house of the first informant, it was not in public view. Interim protection is operating in favour of the appellant since 5th May 2025. The appellant has co-operated with the investigation and the investigation is completed. The main co-accused has been released on regular bail by the Trial Court. Hence, requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant and co-accused assaulted the first informant and his family members by entering into his house. The appellant abused the first informant and his family members on caste. The incident is witnessed by four witnesses, it shows that it was in public view. On earlier date, the appellant had threatened the brother of the first informant on phone. Learned counsel submitted that custodial interrogation of the appellant is required and requested to reject the application.

5. I have heard all learned counsel, perused the FIR and charge-sheet.

7. As per the contents of the FIR, the incident has happened in the house of the first informant. It is the contention of learned APP that the said incident is witnessed by four eye witnesses but as per the FIR, the incident happened in the house of the first informant, it cannot be considered as public view. Whether the incident happened outside the house or not is the part of trial. Considering the allegations against the appellant, his custodial interrogation is not required. Interim protection is operating in favour of the applicant since 5th May 2025 and he has co-operated with the investigation, hence, I pass following order :

O R D E R

1. The order dated 5th May 2025 passed by this Court is confirmed.

The application is allowed in above terms and stands disposed of.

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.)