

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.476 OF 2025

1. Mujja @ Danish Sarfaraj Shaikh Appellants
2. Wasim Nijam Shaikh

V/s.

State of Maharashtra & Anr. Respondents

Mr.Pratik Sabrad a/w Ms.Neha Parte, for the Appellants.
Mr.Ashok R. Metkari, APP, for Respondent No.1 -State.
Mr.Devidas G. Bhoir, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 09th JULY 2025

P.C:-

. The Special Court has rejected the Anticipatory Bail Application of the Appellants.

2. The Appellants are apprehending arrest, in connection with investigation of Crime No.306 of 2024 registered with Pimpalgaon Police Station, Nashik, for the offences punishable under Sections 109, 118(1), 115(2), 352, 351(3), 126(2), 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short).

3. It is prosecution's case that, on 6th December 2024 first informant's son had put story on Instagram, annoyed by said story, the co-accused on 7th December 2024 confronted with the first informant and when first informant replied him, it is alleged that, co-accused and Appellants assaulted first informant with stone, wooden rod, fist and kick blows with an intention to kill him.

4. It is contention of the learned counsel for the Appellants that, the names of the Appellants have not been mentioned in the FIR and in the supplementary statement their names are mentioned. There are no allegations against the Appellants about abuse on caste and requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellants and co-accused assaulted the first informant with stone, wooden rod, fist and kick blows with an intention to kill him. Eye witnesses have stated about specific role played by the Appellants. Considering the allegations against the Appellants, their custodial interrogation is required and requested to dismiss the Appeal.

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

7. The names of the Appellants are not mentioned in the FIR. In investigation, names of the Appellants appeared. There are no allegations against the Appellants on abuse on caste.
8. Considering these facts, custodial interrogation of the Appellants is not required.
9. In such circumstances, the Criminal Appeal is allowed and disposed of in terms of the order dated 22nd April 2025, it is made absolute subject to condition that the Appellant shall report to the Investigating Officer once in month on first Monday of every month till framing of the charge, and shall co-operate with the Investigating Agency and the Appellant shall not contact with the first informant and prosecution witnesses.
10. The Appellant shall not enter in the area of Pimpalgaon Police Station for two months.
11. All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)