

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 479 OF 2025

Zahir Sattar Shaikh

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Harsharaj Hanumantrao Jagtap a/w. Vishal Kolekar a/w.
Harshavardhan Patil, Advocates for the Appellant.

Mr. Ashok P. Metkari, APP for the State.

Mr. Somnath Kale, Advocate for Respondent No.2.

PSI – A.V.Omase, Yavat Police Station present.

WITH

CRIMINAL APPEAL NO. 487 OF 2025

1. Sambhaji Kisan Chavan

2. Digambar @ Sunil Chandrakant Shitole

3. Swapnil Ganpat Nimbalkar

... Appellants

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Prashant S. Hagare, Advocate for the Appellants.

Ms. Shilpa Gajare Dhumal, APP for the State.

Mr. Rupesh A. Zade, Advocate for Respondent No.2.

WITH

CRIMINAL APPEAL NO. 520 OF 2025

Dada Janardhan Bhandalkar

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....
Mr. Pranav H. Bhoite, Advocate for the Appellant.
Mr. Ashok P. Metkari, APP for the State.
Mr. Rupesh Z. Zade, Advocate for the Respondent No.2.

WITH
CRIMINAL APPEAL NO. 514 OF 2025

Tripti Dada Bhandalkar ... Appellant
Versus
State of Maharashtra & Anr. ... Respondents

.....
Ms. Sana R. Khan a/w. Mr. Sumit Sharma, Ms. Neha Balani and Ms. Vidya Lahmate, Advocates for the Appellant.
Ms. Anuja Gotad, APP for the State.
Mr. Rupesh Zade, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.
DATED : 10th JULY, 2025.

P. C. :

1. The bail applications of the appellants are rejected by the Trial Court, hence the appellants are before this Court by way of these appeals.
2. The appellants are apprehending arrest in C.R.No. 265 of 2025 registered with Yavat Police Station, Pune (Rural) for the offences punishable under Sections 119, 189(2), 191(2), 190, 324(5), 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 (for short "B.N.S. Act") and under Section 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 and under Sections 37(1) and 37(3) of Maharashtra Police Act, 1951.

3. Learned APP submits that Section 119 of B.N.S. Act is removed and Section 323 is applied.

4. As all these appeals are arising out of same crime, hence I am deciding it by this common order.

5. It is prosecution's case that, the first informant is Journalist and he had job at Patas Village. On 11.02.2025, when the first informant was collecting information about news, at around 11:00 a.m., appellant- Dada Bhandalkar and Sambhaji Chavan abused him on caste stating that he published false news. They also threatened him stating that they will remove his shop. It is alleged that, when friend of first informant came there, the appellants went from the spot. It is alleged that, on 12.02.2015, at 10:30 a.m., when first informant was out of village for his work, at that time, his wife called him and told that some people were damaging his shop by breaking the lock of the shop and damaged the articles kept in the shop. It is alleged that, on 13.02.2025 at 10:00 a.m., when the first informant went to see condition of his shop, he came to know that, all the appellants had destroyed his shop and caused damage to the articles in the shop when they were aware about the caste of the first informant.

6. It is contention of learned counsel for the appellants that, first

informant had encroached on the Grampanchayat land and erected a shop. The Grampanchayat had issued notices to the first informant. As per the Grampanchayat Resolution, notice of removal of the said shop was given to the first informant but he did not respond to the said notices. Thereafter, a notice of removal was affixed on the shop of the first informant. Thereafter also, first informant did not approach Grampanchayat nor removed the shop erected by him, hence by following due procedure, the said shop was removed. Learned counsel for appellant in Criminal Appeal No. 514 of 2025 submits that, alternate shop is given to the wife of the first informant. Learned counsel further submitted that, there are no allegations against the appellants about abuse on caste to the first informant. At the time of incident, first informant was not present. The appellants are the reputed persons of the said village, a false complaint was filed against them. They have co-operated in the investigation, hence requested to allow the appeals.

7. It is contention of learned APP that, it has been informed by the Investigating Officer that during investigation, it revealed that, the first informant had encroached on the land of Grampanchayat and erected the shop and the said shop is vacated by following due procedure by Grampanchayat.

8. It is contention of learned counsel for respondent No.2 that, there

are specific allegations against the appellant- Dada Bhandalkar and Sambhaji Chavan that they abused the appellant on caste. All the appeals are in collusion. The first informant is a journalist and he publishes the news, to take revenge against the first informant, his shop No. 43 has been destroyed. Considering the allegations against the appellants, custodial interrogations of the appellants are required, hence requested to dismiss the appeal.

9. I have heard all learned counsel. Perused impugned order, FIR and documents produced on record. There is more than one month delay in lodging the FIR. The allegations against the appellants- Dada Bhandalkar and Sambhaji Chavan are made that, they abused the first informant on caste. The allegations are in chorus. There are no specific allegations against each appellant. On 12.02.2015, the first informant was not present at the incident spot and there are no allegations against the appellant about abusing on caste. Destroying the encroached shop was part of revenge or not is a part of trial. From FIR, there are no allegations of abuse to the first informant by the appellants and the allegations against two appellants are in chorus. Considering these facts, custodial interrogation of the appellants is not required.

10. In view of above, I pass following order:

ORDER

- i. In the event of arrest, the appellants be released on bail in C.R.No. 265 of 2025 registered with Yavat Police Station, on executing P.R.Bond each of Rs.30,000/-, on furnishing one or two sureties of the like amount.
- ii. The appellants shall attend the concerned police station as and when required.
- iii. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

11. All the Appeals are allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)