

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 510 OF 2025**

Rajesh Dattatraya Salunke ... Appellant
versus
The State of Maharashtra & Anr. Respondents

**WITH
CRIMINAL APPEAL NO. 525 OF 2025**

Virendra Narayan Wankhede And Anr ... Appellants
versus
The State of Maharashtra & Anr. Respondents

**WITH
CRIMINAL APPEAL(ST) NO. 10698 OF 2025**

Samir Arjun Bhivsar ... Appellant
versus
The State of Maharashtra & Anr. Respondents

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Mr. Bhushan Raut, Advocate for the Appellant.
Mr. Shailesh Ghag, APP for the Respondent – State.
Mr. Harshad Inamdar, Advocate for Respondents.

CORAM : R. M. JOSHI, J.

DATE : 4th DECEMBER, 2025.

P.C. :

1. These Appeals take exception to the rejection of Bail Application by

the Special Court in Crime No. 316 of 2024 registered with Sarkarwada police station.

2. At the outset, learned counsel for the Appellant makes statement that the appellant belongs to the scheduled caste community and as such the offences under the Atrocities Act would not get attracted against them. Learned APP however drawn attention of the Court to the fact that out of total number of 8 accused, accused Nos. 3 and 4 do not belong to the scheduled caste or scheduled tribe community and as such the crime registered will have to be considered also under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC & ST Act) and under the provisions of Atrocities Act. This Court is informed that in A.B.A. No. 380 of 2025 and 371 of 2025 interim relief was granted to the appellant with a direction to cooperate in the investigation. These Anticipatory Bail Applications were however permitted to be withdrawn in view of the provisions of the Atrocities Act being invoked.

3. Learned counsel for the appellant submits that the allegation against the present appellants is about witnessing the document i.e. confirmation deed allegedly executed by the mother and brother of the informant. It is his submission that in the First Information Report (FIR) itself there is no dispute made by the informant with regard to the issuance of power of

attorney by them to the appellant in Appeal No. 510 of 2025. It is further argued that pursuant to the order passed by this Court in A.B.A. No. 380 of 2025 and 371 of 2025 dated 18.02.2025, the appellants have cooperated in the investigation. He also drew attention of the Court to the document indicating the disputed documents being verified by FSL and a report/opinion being submitted to the investigating agency. It is his submission that having regard to the fact that nothing is to be recovered at the instance of the appellant, the interim relief granted deserved to be confirmed.

4. Learned counsel for the respondent No.2 opposed the appeal firstly on the ground that here in this case, the appellants have defrauded the informant and family members of the informant and TDR has been sold without any Authority. It is further argued that since the appellants are witnesses to the disputed documents and as their opinion of FSL about the variance in the signatures of the mother and brother of the informant on the said document, their custodial interrogation is necessary to ascertain as to who has signed the said document. It is further argued that the appellants are financially benefited by the said crime and therefore, their custody be directed to be taken.

5. Learned counsel for the respondent No.2 has drawn attention of the Court to the Order dated 18.02.2025 which according to him indicates that

the appellant - Rajesh Salunkhe was called upon to file affidavit with regard to the sale of the TDR. Learned counsel for the appellant opposed the said contention by drawing attention of the Court to the order dated 11.06.2025 which indicates that the confirmation deed is canceled and as such there is no sale of TDR.

6. Learned APP opposed the appeals. On instructions from the officer who is present before the Court, statement is made that the appellants have cooperated / participated in the investigation.

7. At the outset, it needs to be recorded that though the appellants belong to the scheduled caste community and the offence under the Atrocities Act would not get applied to them, the two accused out of 8 do not belong to scheduled caste or scheduled tribe community. As such, at this stage it cannot be said that the provisions of the Atrocities Act have no application to the present case i.e. Crime No. 316 of 2024.

8. At this stage, report is required to see as to whether custodial interrogation of the appellant would be necessary. Undisputedly, the liberty of the appellants were protected by order dated 18.02.2025 passed in A.B.A. No. 380 of 2025 and 371 of 2025. As per the submission made before this Court on behalf of the investigating agency the appellants have cooperated in the investigation. Apart from this, there is further no dispute about the fact that the disputed document is already seized by the police

and it was sent for forensic examination. The report of FSL is also received. In such circumstances, question raises as to the purpose for which custodial interrogation of the appellants is required.

9. Though it is sought to be argued on behalf of respondent No.2 that the appellants are financially benefited by the crime in question, learned counsel for the appellants has placed on record the document indicating cancellation of the confirmation deed. In such circumstances, merely because respondent No.2 desires for the custody of the appellants be taken by the police, the same cannot be granted.

10. In so far the order passed by this Court dated 18.02.2025, the order of cancellation of the confirmation deed was not there on record since the cancellation has been done on 11.06.2025. Thus at this stage, this Court finds no reason not to confirm the interim relief granted in these appeals. Needless to say that it would be open for the Investigating Agency to carry out investigation in this regard.

11. All Appeals stand allowed.

(R. M. JOSHI, J.)