

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 717 of 2025

1. Sachin Shalu Bhojane ... Appellants
2. Ganesh alias Aakash Shalu Bhojane
3. Sabastin Sunder Pille

versus

1.The State of Maharashtra Respondents
2. Shivani Nilesh Sasane

Mr. Raju Suryawanshi, Advocate for the Appellants.
Ms. Vilasini Subramanian, Appointed Advocate for Respondent No.2.

CORAM : R. M. JOSHI, J.

DATE : 15th DECEMBER, 2025.

P.C. :

1. This appeal is takes exception to the order dated 12th June 2025 passed in Anticipatory Bail Application No. 1321 of 2025 rejecting the anticipatory bail application filed by the appellants in connection with Crime No.358 of 2025 registered with Vithhalwadi Police Station for the offences punishable under Sections 74, 79, 333, 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Atrocities Act").

2. Learned counsel for the appellants submits that the present FIR came to be lodged belatedly after four days of the alleged incident.

According to him, there is reason to believe that this report is lodged by way of a counter blast. In this regard, he drew attention of the Court to the FIR lodged by appellant No.2 against the brother-in-law of the informant on 12th May 2025. Similarly, it is his contention that one more report which came to be lodged against the appellants on the same day bearing Crime No.352 of 2025. It is thus his contention that it is not possible that the accused were present at two different places at the same time. Finally, it is argued that from the FIR, it is not revealed that the appellants/accused had knowledge about the caste of the informant in order to attract the offences under the Atrocities Act.

3. Learned APP and learned counsel for respondent No.2 opposed the appeal by contending that since the offence has been committed against a woman belonging to scheduled caste community, the offences under the Atrocities Act are attributed to the appellants. Learned APP, on instructions of the Investigating Officer, makes statement that the distance between two places where the incident has occurred on 12th May 2025 at about 11.30 pm. is only 100 meters and hence, possibility of the accused having gone to the house of the informant is not ruled out. On the basis of instructions, a statement is made that the investigation into the crime is already complete and charge-sheet is filed.

4. Perusal of the FIR does not indicate that the offence in question has been committed for the reason that the informant belongs to

scheduled caste community. There is delay of four days in lodging of the report. There is material on record to indicate that appellant No.2 had lodged report against the brother-in-law of the informant on 12th May 2025. Thus possibility of false implication is not ruled out. It is further pertinent to note that his Court has granted interim relief to the appellants on 18th July 2025 and pursuant to the direction to attend the concerned police station, they participated in the investigation.

5. In view of filing of charge-sheet, there is no propriety in sending them behind bar. Even accepting the fact that there are antecedents against the appellants, for want of any offence being made out under Atrocities Act, there is no embargo of Section 18 of the Atrocities Act, which would be applicable to the present case.

6. In view of completion of investigation, there is no reason not to confirm the interim relief. Hence, the following order:

O R D E R

1. The order dated 18th July 2025 passed by this Court (Coram : Shivkumar Dige, J.) stands confirmed.
The appeal stands disposed of in above terms.

(R. M. JOSHI, J.)