

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 928 OF 2025**

Rahul @ Babu Nivrutti Darekar ... Appellant
versus
State of Maharashtra & Anr. Respondents

**WITH
CRIMINAL APPEAL(ST) NO. 15567 OF 2025**

Shubham Dashrath Darekar And Ors Appellants
versus
State of Maharashtra & Anr. Respondents

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Mr. Venkatesh Shinde, Advocate for the Appellants.
Mr. Y. M. Nakhawa, APP for the State.
Mr. Limbraj Manikrao Pawar, Advocate for Respondent No.2 in Appeal
928/2025.
PSI – M.D.Panhale, Vadgaon Nimbalkar, Police Station, Pune present.

CORAM : R. M. JOSHI, J.

DATE : 17th DECEMBER, 2025.

P.C. :

1. In these appeals the appellants are taking exception to the orders of rejection of Anticipatory Bail passed by the Special Court in connection with Crime No. 178 of 2025 registered with Vadgaon Nimbalkar Police

Station for the offences punishable under Sections 118(1), 352, 351(2), 351(3), 189(1), 189(2), 189 (4), 190, 191(2), 191(3), 131 of Bharatiya Nyaya Sanhita (“BNS”) and under Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned counsel for the appellant submits that the allegations in the First Information Report (FIR) with regard to the abuses over caste so also causing of injury are against the co-accused who is already arrested. It is his submission that in so far as appellants except appellant Rahul are concerned, the allegation against them is of assaulting injured with fist and kick blows. With regard to appellant- Rahul is concerned, it is argued that admittedly there is no assault caused by him and in view of the fact that the investigation is completed with filing of the chargesheet, there is no impediment in confirming the interim relief granted by this Court on 04.08.2025 and 16.09.2025.

3. Learned APP and learned counsel for the respondent No.2 opposed the appeal by citing the seriousness of the crime so also embargo under Section 18 of the Act.

4. It is no dispute about the fact that the allegation attracting the provisions of Atrocities Act are attributable to the co-accused who is not the appellant herein. As far as the appellants in Appeal (St.) No. 15567 of

2025, there are allegations against them that they had beaten the informant with fist and kick blows. In such circumstances, nothing needs to be recovered at their instance.

5. In so far as appellant in Appeal No. 928 of 2025 is concerned, though it is stated that he has used knife in the crime in question, at the outset it is needed to be stated that there was no actual injury caused by the said knife. Moreover, the said knife is said to have been at the instance of accused i.e. accused No.1. Admittedly, the investigation into the crime is complete and chargesheet has been filed. In such circumstances, firstly there is no embargo applicable under Section 18 of the Act and secondly this is not the case wherein the custodial interrogation of the appellants would be necessary.

6. As a result of above discussion appeals deserves to be allowed by confirming interim relief. The interim relief granted by this Court stand confirmed. Appeals are disposed of in above term.

(R. M. JOSHI, J.)