

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

CRIMINAL APPEAL NO. 775 OF 2025

Bhagwan Laxman Bankari

...Appellant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Beni Madhav Goswami	Advocate for the Appellant
Adv. Sejal Nagvekar a/w Adv. Amol Lokhande	Advocate for the Respondent No. 2
Mr. Anil Lad	Dy. SP Murbad Police Station

CORAM : S. M. MODAK, J.

DATE : 18th SEPTEMBER 2025

P. C. :-

1. Heard learned Advocate for the Appellant, learned APP and learned Advocate for the first informant.
2. It is true that the Court can decide this appeal on the basis of the merits. That is to say, on the basis of the investigation materials, on the basis of the plea taken by the Appellant, but today Court is not deciding the appeal finally for subsequent development. During investigation in all the offences, the Police have come to conclusion

that Summary Report has to be filed in these offences.

3. Learned Advocate for the Appellant has placed before me the copy of the order dated 26.08.2025 passed by the Division bench in Writ Petition No. 4107 of 2025. The submission on behalf of the learned APP is recorded therein. It is in respect of adopting necessary steps for filing Summary Report against the co-accused Shri Vivek Bhawe. The Division bench has granted ad-interim relief to the said Petitioner.

4. On the basis of the instructions, learned APP submitted that the process for finalizing Summary Report is under way. That is to say, it is placed before the Scrutiny Committee and there are certain instructions given and the investigating officer is in the process of complying them. On the basis of the instructions, he submitted that Summary report is going to be filed against co-accused Vivek Bhawe, so also against the present Appellant. According to the first informant, she got this information today for the first time and the order dated 26.08.2025 does not record the submission that Summary Report is to be filed against all of them.

5. Be that it may, this Court is required to consider the submission

made by learned APP today. It is true the Scrutiny Committee may accept the report or may not accept the report and even the first informant is having her own right to file protest petition, but it is difficult to make comment at this stage.

6. The Appellant is having an explanation to offer in respect of the incident that is averred in the F.I.R. dated 10.04.2025. This was registered at Kalyan Taluka Police Station on the complaint of Respondent No. 2. The minor daughter of the first informant has faced with the incident of outraging her modesty at the hand of present Appellant and others who were present. That is why, offence under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sections 8 and 12 of the Protection of Children from Sexual offences Act, 2023, Sections 74, 333, 351 (2), 352, 3 (5) of the Bharatiya Nyaya Sanhita (BNS) 2023 is registered.

7. As against this the Appellant contends that his father is decree holder. There is a direction to remove encroachment and the alleged incident took place when the Appellant alongwith Court Commissioner went to execute the decree. In fact, it is his case that the

Respondent Nos. 2 and others have beaten them and there is non-cognizable complaint registered at the same Police Station on 08.04.2025 earlier to the present F.I.R.. He also placed reliance on the report given by learned Commissioner to the Executive Court on 28.04.2025.

8. I am restraining myself to make particular observations at this stage about claims made by both the sides. This Court is aware about the bar laid down under Section 18-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

9. Learned Advocate for the first informant has also invited my attention to the observations made by the trial court while rejecting that anticipatory bail application.

10. Today I am granting ad-interim protection only for the reason that Police are in the process of filing Summary report. There is certain procedure for filing of the Summary Report. In view of that following order is passed:-

ORDER

- (i) In case of arrest in connection with C.R. No. 0194 of 2025 registered with Kalyan Taluka Police Station for

the offence punishable under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 74, 333, 351 (2), 352, 3 (5) of the Bharatiya Nyaya Sanhita (BNS), 2023, **the Appellant-Bhagwan Laxman Bankari** be released **on furnishing Personal Bond and Surety Bond in sum of Rs. 20,000/- (Rupees Twenty Thousand).**

- (ii) The Appellant is directed not threaten the prosecution witnesses or to allure them in any manner.
- (iii) The Appellant is directed to give attendance to the Kalyan Taluka Police Station on 22nd September 2025, 29th September 2025 from 10.00 a.m. to 12.00 noon.
- (iv) The Appellant is directed not to enter the Kalyan Taluka till the time this appeal is decided.

11. Stand over to 06th October 2025.

[S. M. MODAK, J.]