

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

APPEAL NO.940 OF 2025

Akash Balasaheb Godse

.....Appellant

Vs.

The State Of Maharashtra & Anr

.....Respondents

WITH

APPEAL NO.953 OF 2025

Vaibhav Lakshman Giri

.....Appellant

Vs.

The State of Maharashtra

.....Respondent

Mr. Satyam Nimbalkar (through VC) with Mr. Mahesh Bhosale, and Mr. Harshwardhan Pawar, for the Appellant in Appeal No.940 of 2025

Mr. Sanjeev Kadam, Senior counsel i/b Mr. Rushikesh C. Barge, and Mr. Viren Ghadge, for the Appellant in Appeal No.953 OF 2025.

Mr. Abhishek Patil, for Respondent No.2 in Appeal No.940 of 2025 and Respondent No.3 in Appeal No.953 OF 2025.

Mr. A. S. Shiwle, PSI Vaduj Police Station.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 5th FEBRUARY 2026

PC.:-

1. The Appellants, namely Accused No.1 Vaibhav Laxman Giri and Accused No.3 Akash Balasaheb Godse, are the Appellants in both the Appeals and are apprehending arrest in C.R. No. 0263 of 2025, registered at Vaduj Police Station, Satara, for the offences punishable under Sections 3(5), 316(2), 318(4), 336(2), 336(3),

340(2), 342(2), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 3(1)(f) and 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is alleged that the Complainant, who is the owner and in possession of the subject property, was sought to be dispossessed by the Appellants, despite their knowledge that the Complainant belongs to the Chambhar community. The allegations further state that the Complainant has been in possession of the property since 1964 and has acquired the said property pursuant to a certificate issued under Section 32-M of the Bombay Tenancy and Agricultural Lands Act, 1948.

3. The Appellant in Appeal No. 940 of 2025 claims to have purchased the said property from the original owner, whereas in Appeal No. 953 of 2025, the Appellant claims ownership of the property by way of a Will and further contends that he has sold a portion of the property to a third party. It is alleged that thereafter the Appellants attempted to dispossess the Complainant, which led to the lodging of the complaint and registration of the crime.

4. The learned counsel appearing for the Appellants in both the Appeals submits that the mutation entries were effected pursuant to an order passed by the High Court in a Writ Petition, and that the Appellant in Appeal No. 953 of 2025 has been declared as the owner of the suit property, pursuant to which his name has been duly mutated in the revenue records.

5. The name of the Complainant continues to appear in the 7/12 extract in the column of tenant, and the same has not been removed, as narrated by the Complainant. It is stated that, after we came to know about the mutation entries, the Complainant could not get his name mutated due to certain personal difficulties. Taking advantage of the mutation of their names in the 7/12 extract, the Appellants allegedly attempted to assert rights over the property. Consequently, the Complainant lodged the complaint, pursuant to which the crime under the Bharatiya Nyaya Sanhita and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be registered.

6. I have heard the learned counsel appearing for both the parties.

7. Both the parties have effected mutation entries pursuant to the order passed by the High Court. On the basis of such entries, the same were taken on record, and thereafter a sale deed came to be executed in favour of the Appellant in Appeal No. 914 of 2025.

8. Considering the entire allegations made against the Appellants in both the Appeals, it *prima facie* appears that the dispute is of a civil nature. There are no specific allegations against the Appellants indicating commission of any offense constituting an atrocity against the Complainant. No *prima facie* case is made out against the Appellants so as to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and consequently, the bar under Section 18 of the said Act is not attracted.

9. In view thereof, the Appellants are entitled to protection by way of ad-interim anticipatory bail. Since no *prima facie* case is made out against the Appellants and the allegations predominantly disclose a civil dispute, a case is made out to protect the Appellants by granting anticipatory bail. Hence, the following orders:

ORDER

- i) Appeals are **allowed**.
- ii) In the event of arrest of the Appellants, namely, **Akash Balasaheb Godse** and **Vaibhav Lakshman Giri** shall furnish personal bond of **Rs.50,000/-** each with their recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellants shall remain present before the concerned police station on every Thursday between 11.00 a.m. to 01.00 p.m.;
- iv) The Appellants shall cooperate with the investigation and make himself available for interrogation whenever required;
- v) The Appellants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer;
- vi) The Appellants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vii) The Appellants shall not leave the territory of

Satara, without prior permission of the Court, till trial is over;

viii) The Appellants shall maintain law and order;

ix) The Appellants shall, at the time of execution of the bond, furnish their residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

xi) The Appellants shall surrender his passport, if any, before the Investigating Officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the Investigating Officer;

xii) The Appellants shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offenses.

xiii) If breach of any of the above conditions is committed, the order of anticipatory bail would be canceled. It would be open to the Investigating Officer to file an application for remand, and the Magistrate concerned would decide it on merits, without being influenced by the grant of anticipatory bail order.

(MRS. VRUSHALI V. JOSHI, J.)