

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

CR. APPEAL NO. 971 OF 2025

Imam Hussain Kokane

....Appellant

Vs.

The State Of Maharashtra and anr

....Respondents

Mr. Vikrant Anand Desai Advocate for Appellant

Dr. A. A. Takalkar, APP for the respondent-State

Mr. Ashwini R. Barad for respondent no. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th MARCH 2026.

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P.C.

1. Appellant preferred this appeal against the order dated 28/02/2025 passed by learned Sessions Judge, Pandharpur rejecting bail application presented in connection with C.R. No. 64/2025 registered with Mangalwedha Police Station for offence punishable under Sections 351(2), 351(3), 352 r/w 3(5) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r) and 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the said Act').

2. The complainant, lodged the FIR on February 3, 2025, in relation to an incident of 23/01/2025 at the APMC Market. It is alleged that the four accused persons, including the present appellant, arrived at the said office and intentionally insulted,

humiliated, and threatened the complainant by using caste-based abuses.

3. Heard learned counsel for the appellant. He submits that the appellant is falsely implicated as the incident is dated 23/01/2025 whereas report is lodged on 03/02/2025. As such, there is no explanation for such an inordinate delay which warrants consideration of appellant's request.

4. Per contra, learned APP and learned counsel for respondent no. 2 opposed the appeal submitting that the assertion at the instance of the appellant constitutes an offence under Section Sections 3(1)(r) and 3(1)(s) of the said Act which dis-entitles the appellant to be admitted to the bail.

5. Upon considering the submissions put forth by learned counsel for the appellant and learned APP so also learned counsel for the informant and perusal of the material placed on record, *prima facie* it appears that no explanation is put forth in relation to delay while lodging report in relation to the alleged incident dated 23/01/2025 which is reported 03/02/2025. As such, the delay is unexplained. Apart from the aforesaid aspect, nothing is to be recovered from the applicant. Prima facie, F.I.R. appears to be actuated with an ulterior motive. Also considering the age and

ailments with which applicant is suffering, I am persuaded to exercise discretion in favour of the appellant.

6. Resultantly, the following order:

ORDER

I. Appeal is allowed.

II. In the event of arrest of the appellant in connection with C.R. No. 64/2025 registered with Mangalwedha Police Station for offence punishable under Sections 351(2), 351(3), 352 r/w 3(5) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r) and 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount.

III. The appellant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

IV. The appellant shall attend the trial on each and every date unless exempted by the trial Court.

V. Appellant shall attend the concerned police station as and when called in writing.

VI. The appellant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

VII. In case of breach of any of the conditions by the appellant, it is open for the Prosecution to move this Court seeking cancellation of bail.

VIII. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

IX. Learned counsel appointed to represent no. 2 be paid professional fees as per Rules.

7. Appeal stands disposed of.

(SACHIN S. DESHMUKH, J.)