

VRJ

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

CRIMINAL APPEAL NO.7 OF 2026

Someshwar Krishna Todkar ... Appellant
V/s.
The State of Maharashtra & Anr. ... Respondents

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2026.02.12
21:06:45 +0530

Mr. Amit Sale with Mr. Sachin M. Bhavar and Rahul B. Khot for the appellant.

Mr. Shrikant H. Yadav, APP for the State-respondent No.1.

Ms. Swati J. G. for respondent No.2.

Mr. Ajit More, PSI, Tembhurni Police Station, is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : FEBRUARY 11, 2026

P.C.:

1. The appellant, apprehending arrest in connection with C.R. No. 766 of 2025 registered with Tembhurni Police Station, Taluka Madha, District Solapur, for the offences punishable under Sections 109, 118(2), 153(3), 115(2), 189(4), 191(3), 190 and 352 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes

(Prevention of Atrocities) Act, 1989, and Section 135 of the Maharashtra Police Act, 1951, seeks the relief of pre-arrest bail.

2. It is the prosecution case, in brief, that on 4th December 2025 at about 7.00 a.m., the first informant/injured was proceeding towards Tembhorni. At that time, two tipper vehicles were moving ahead of Respondent No.2, and when he attempted to overtake the said vehicles, the appellant along with others arrived in a Baleno car. It is alleged that they intercepted Respondent No.2 (the injured), abused him by referring to his caste, and assaulted him by kicks and fist blows, alleging that he had tipped off the police about the sand-carrying vehicles. It is further alleged that the appellant assaulted the injured with an iron rod. The villagers, namely Kiran Padule and Shivdas Fadtare, intervened and resolved the dispute. Thereafter, the injured was taken to a private hospital for treatment.

3. Learned counsel for the appellant submits that the appellant is running a grocery shop. The starting of the FIR indicates that the complaint has been lodged with an intention to falsely implicate the appellant under the provisions of the SC/ST Act, as the informant has stated that he belongs to a Scheduled Caste. It is

further submitted that prior to the present FIR, the brother of the appellant had lodged a complaint on 8th December, 2025 against some of the person, and the present appellant was the driver of the said person. An offence under Section 109 has been registered in that crime. It is submitted that, as a counterblast to the said complaint, the present informant has lodged the instant FIR, making false allegations of using abusive language against the appellant. Learned counsel further submits that at the relevant time, the appellant was present in his grocery shop and has placed photographs on record to show his presence there. There is delay in lodging the FIR, as the incident allegedly occurred on 4th December 2025, whereas the FIR came to be lodged only on 9th December 2025, and that too after the registration of the crime by the brother of the present appellant. It is submitted that the appellant has been falsely implicated in the present case. The investigation is complete, custodial interrogation is not required, and therefore, the appellant deserves to be granted the relief pre-arrest bail.

4. Learned counsel for Respondent No.2 submits that the time mentioned by the appellant in his own FIR is 7.00 a.m. and that

the photographs relied upon by the appellant merely show his presence in his grocery shop at that time and not thereafter. It is submitted that, as per the prosecution case, the informant had proceeded towards Tembhurni at about 7.00 a.m. and the incident occurred approximately 18 kilometres away from his village. The appellant also hails from the same village. The photographs do not establish his continuous presence at the shop beyond 7.00 a.m. It is further submitted that there are specific and categorical allegations against the present appellant of having uttered caste-related abuses and of having assaulted the injured. Merely because there is some delay in lodging the FIR, the appellant cannot seek protection from this Court. In view of the statutory bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present appeal is not maintainable and deserves to be rejected.

5. Learned APP vehemently opposed the appeal and submitted that the eye-witness has specifically named the present appellant, his presence at the spot is clearly established, and his role in the incident is stated. It is further submitted that the present appellant has specifically uttered caste-related abuses. The Medico-Legal

Certificate was received on 7th December 2025 as the injured was initially admitted in a private hospital, and thereafter the crime came to be registered. Thus, the delay in lodging the FIR stands duly explained. Learned APP further submits that custodial interrogation of the present appellant is necessary and, therefore, the appeal deserves to be rejected.

6. Heard learned advocates for respective parties.

7. The appellant contends that the present complaint has been lodged as a counterblast to the earlier FIR filed by his brother. It is submitted that the appellant was only a driver, but from the occupation mentioned in the FIR. it appears that the appellant is a farmer, and there is no reference to him being a driver. His name does not find place in the earlier FIR. The Baleno car seized in the present crime belongs to the brother of the appellant. Though the brother of the appellant has been granted anticipatory bail, the role attributed to the present appellant is specific and distinct, inasmuch as it is alleged that he assaulted the injured with an iron rod and uttered caste-related abuses.

8. Hence, the appeal stands rejected and disposed of.

9. It is clarified that the observations made herein are only for

the purpose of deciding the present appeal and shall not influence the Trial Court while deciding the case on its own merits.

(MRS. VRUSHALI V. JOSHI, J.)