IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 377 OF 2025

1. Virendrasinh Vikramsinh Jadhavrao
2. Shivtej Ramdas Bibave
3. Sachin Balkrushna Sarkale ...Appellants

V/s.

The State of Maharashtra & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 3130 OF 2026
WITH
INTERIM APPLICATION NO. 2896 OF 2025

Mr. Vaibhav Ramchandra Gaikwad, Advocate for the Appellant.
Mr. Y. Y. Dabake, APP for the Respondent/State.
Mr. Ganesh Misal, a/w Mr. Rohit Chavan, Mr. Dhananjay Shinde i/b Mr. Vishal Kale, Advocate for the Respondent No.2.
Mr. Vikas Shivarkar a/w Adv. Mufeez Ansari, Advocate for the Intervener in IA/3130/2026.
Mr. Amey Deshpande, Advocate for the Intervener in IA/2896/2025.
PSI. Santosh Masal, Kondhwa Police Station, is present.

CORAM : N.R. BORKAR, J.
DATE : 12.10.2026.

P.C. :

1. This appeal takes exception to the order dated 25.03.2025 passed by the Special Court, Pune, in Criminal Bail Application No. 1301 of 2025.

2. By the impugned order, the learned Special Court has rejected the anticipatory bail application filed by the present appellants, who are apprehending their arrest in Crime No. 159 of 2025 registered at Kondhwa police station for the offences punishable under Sections 420 & 406 read with Section 34 of the Indian Penal Code and Sections 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is the case of the prosecution that the appellants, who are developers, entered into a transaction of sale with first informant in respect of a flat which was already allotted by them to the landowner. It is alleged that, after paying the entire consideration of Rs.39,26,800/-, when the first informant, who belongs to Scheduled Caste, told the appellants to hand over possession of the said flat, it is alleged that they abused him on his caste.

4. I have heard the learned counsel for the appellants, the learned APP for the respondent/State, the learned counsel for the respondent No.2/first informant and the learned counsel for the

interveners.

5. The learned counsel for the appellants submits that the learned Special Court has observed that no prima-facie case is made out for the offences under the SC & ST Act. It is submitted that the appellants have nothing to do with the alleged transaction which was, in fact, between the original landowner and the first informant and the appellants acted as agents of the landowner. It is submitted that, with an ulterior motive, false allegations are made against the appellants. In support of the submission that the false allegations are made against the present appellants, the learned counsel for the appellants has drawn my attention to the complaint lodged by the first informant dated 27.05.2024 to the Commissioner, Social Welfare Department, Pune. It is submitted that there is no need of custodial interrogation.

6. On the other hand, the learned APP for the respondent/State, the learned counsel for the respondent No.2/first informant and the learned counsel for the interveners submit that in addition to the first informant, the appellants have cheated the original landowners also. It is submitted that,

considering the nature of crime, the appellants may not be released on anticipatory bail.

7. I have perused the impugned order. The Special Court has observed that prima-facie no case is made out for the offences punishable under the SC & ST Act. Before lodging the First Information Report, the first informant has made the complaint dated 27.05.2024 to the Commissioner, Social Welfare Department, in relation to the very same transaction and in the said complaint, the first informant has made the allegations against the landowner, namely, Balasaheb alias Dadasaheb Maruti Kamthe, and not against the present appellants. Though the learned counsel for the first informant submits that the first informant was coerced by the appellants to lodge the said complaint against landowners Balasaheb alias Dadasaheb Maruti Kamthe and others, at this stage, I am not inclined to accept the said submission in the absence of any material to that effect. Prima-facie, the dispute between the parties appears to be of civil nature. In that view of the matter, I am inclined to release the appellants on anticipatory bail. In the result, the following order is passed :

O R D E R

i) The appeal is allowed.

ii) The order impugned is set aside.

iii) In the event of the arrest of the appellants in Crime No. 159 of 2025 registered at Kondhwa police station for the offences punishable under Sections 420 & 406 read with 34 of the Indian Penal Code and Sections 3(1)(s) & 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, they shall be released on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

iv) The appellants shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

8. The Interim Applications for intervention stand disposed of.

[N.R.BORKAR, J.]