DINESH SADANAND SHERLA
Digitally signed by DINESH SADANAND SHERLA
Date: 2026.08.21 19:42:44 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 977 OF 2025

Amar A. Karande ...Appellant
V/s.
1. State of Maharashtra
2. Rutik P. Suryawanshi
3. Akshay K. Lole ...Respondents.

.....

Mr. Raj Kamble a/w. Mr. Bhosale, Mr. Pankaj Dhotre and Mr. Kunal Kedare for the Appellant.
Mr. V.N. Sagre, APP for the Respondent/State.
Mr. Atul Kakade i/by. Mr. Chandan Yadav for the Respondent Nos.2 and 3.

.....

CORAM : N.R. BORKAR, J.
DATE : 19.08.2026.

P.C. :

1. This appeal under Section 14-A of the of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act (for short "SC & ST Act") takes exception to the order dated 25th November 2024 passed by the learned Special Judge, Under the SC and ST (POA) Act, City Civil and Sessions Court, Greater Mumbai below Exhibit-8 in Special Case No. 222 of 2023.

2. In the above special case, respondent Nos.2 and 3 herein are facing trial for the offence punishable under Sections 143, 146, 147, 149, 326, 323, 509 of the Indian Penal Code, Section 37(1), 135 of the Maharashtra Police Act & Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v) & 3(2)(va) of the SC & ST Act

3. By the order impugned, the Special Court has granted regular bail to respondent Nos.2 and 3.

4. I have heard the learned counsel for the appellant, learned APP for the State and the learned counsel for contesting respondent Nos.2 & 3.

5. Learned counsel for the appellant submits that though respondent Nos. 2 and 3 were not in custody, still the Special Court entertained their application for regular bail. It is further submitted that the Special Court has very mechanically granted the bail to respondent Nos.2 and 3. It is therefore, submitted that the order impugned need to be set aside.

6. On the other hand, learned counsel for the contesting respondent Nos.2 and 3 submits that as there was no need of custodial interrogation of respondent Nos.2 and 3 and thus they were not arrested during the course of investigation. It is submitted that thus after filing of charge-sheet they filed an application for regular bail. It is submitted that the trial Court while granting bail to respondent Nos.2 and 3 has considered the entire material on record. It is submitted that the charges are already framed and the trial is at the stage of recording evidence. It is submitted that considering the overall facts and circumstances, the present appeal may not be entertained.

7. The learned counsel for respondent Nos.2 and 3 submits

that if the accused were not arrested during the course of investigation, and after filing of charge-sheet they move an application for regular bail, the same can be entertained by the Court without taking them in custody. In support of the said submission, the learned counsel has relied upon the decision of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr[1].***

8. I have perused the first information report. The main allegations are against the co-accused Jitendra Suryawanshi and Machindra Suryawanshi. Both of them were arrested. Admittedly, respondent Nos.2 and 3 were not arrested during the course of investigation. The trial Court, therefore, after filing of the charge-sheet, has rightly entertained their application without taking them in custody. Considering the overall facts and circumstances, I am not inclined to interfere with the impugned order. Hence, the Appeal is dismissed.

[N.R.BORKAR, J.]

1 (2022) 1 SCC (Cri.) 153