

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 10 OF 2026

Kisan Maruti Devgirikar ...Appellant  
*Versus*  
State of Maharashtra & Anr ...Respondents

Mr. Jayant Bordeskar i/b Mr. Varun Thokal, for the Appellant.  
Mr. Rishikesh M. Pethe, APP, for the Respondent-State.  
Mr Samir Shende, API, Bharati Vidyapith Police Station (Pune City)  
present.

CORAM: R. M. JOSHI, J.

DATED: 13TH JANUARY 2026

PC:-

1. Learned Counsel for the Appellant submits that there is inordinate delay in lodging of the report and in view of the fact that on the date of the alleged occurrence of the incident, the N.C. was lodged by the informant giving altogether different version of the incident, this is a case of false implication of the Appellant in this Crime. He further drew attention of the Court to the contents of the First Information Report wherein except for vague statement with regard to the abuses being hurled by the Appellant, there is no other role attributed to him in the incident. It is his submission that the offence punishable under the Atrocities Act is not made out by the Appellant and consequently,

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the embargo created by Section 18 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (“SCST Act”) has no application.

2. Learned APP opposed grant of any relief to the Appellant by pointing out the supplementary statement of the informant, so also, the statement of an eye witness to the incident.

3. Prima facie, perusal of the First Information Report indicates that there is no allegation against the present Appellant for attracting provisions of the SCST Act. Even if the statement made by the eye witness is accepted, there is nothing which can be attributed against the present Appellant invoking the provisions of the said Act. Thus, apparently embargo created by Section 18 of the SCST Act has no application to the present case. In such circumstances, till the Respondent No.2 is heard in the matter, liberty of the Appellant deserves to be protected.

4. Issue notice to the Respondents.

5. APP waives service on behalf of the State.

6. Notice of Respondent No.2 is made returnable on 6<sup>th</sup> February, 2026.

7. Till next date of hearing, there shall be ad-interim relief in terms of prayer clause (c).

(R. M. JOSHI, J.)