

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 114 OF 2026

Amol Manaji Varhe & Anr ...Appellants  
*Versus*  
State of Maharashtra & Anr ...Respondents

**Mr Harshal Deshmukh**, with Parth Talekar, i/b Sachin Zalte, for the Appellant.

**Mr HJ Dedhia, APP**, for Respondent No. 1-State.

**Mr Akshay Dingale**, Advocate appointed for Respondent No. 2.

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CORAM: R. M. JOSHI, J.

DATED: 6TH FEBRUARY 2026

PC:-

1. Heard learned counsel for the Appellant. It is his submission that considering the inconsistent statements made by the informant in the First Information Report in the NC complaint, complaint to the Magistrate and First Information Report, her version and the allegations against the Appellant does not deserve acceptance. It is his submission that in the NC registered immediately on the date of occurrence of the incident indicates that the informant and the Appellant had no acquaintance. In this regard, he drew attention of the Court to the reference in the NC about the opponent to be a lady with surname Devgirikar.

2. Learned APP opposed grant of any interim relief by submitting that there is a statement of the witness who claims that she was present at the time of occurrence of the incident. The

statement is recorded on 12<sup>th</sup> November 2025. Neither in the FIR nor in NC filed or even in the complaint to the Magistrate, there is any reference of presence of any third person at the spot of the incident. There is only mention with regard to the presence of the friend of the informant.

3. Considering prima facie material on record, this Court finds substance in the contention of the counsel for the Appellant that the incident is accepted to have occurred, it may not be said to be in public view. In view of the said, Respondent No 2 is to be heard in the matter, the liberty of the Appellant deserves to be protected.

4. In view of the same, Mr Akshay Dingale, Advocate is appointed to represent Respondent No. 2.

5. Office to provide copy of the Interim Application and Appeal memo to the appointed counsel for Respondent No. 2 at the cost of the State.

6. Hence, issue notice to the Respondents.

7. Learned APP waives notice on behalf of the Respondent-State.

8. Till the next date of hearing, there shall be an ad-interim relief in terms of prayer clause (3).

9. By consent of both sides, to be heard finally on 24<sup>th</sup> February 2026.

(R. M. JOSHI, J.)