

PDP

Cri.SMWP-1-2026.odt

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

SUO MOTO WRIT PETITION NO. 1 OF 2026

High Court on its own Motion

.. Petitioner

Vs.

Ramesh Sukrya Mhatre & Ors.

.. Respondents

...

Shri Ashok Mundargi, Senior Advocate, appointed as *Amicus Curiae* along with Shri Niranjana Mundargi.

Shri Abad Ponda i/by Sameer P. Nangare a/w Vishwal Acharya, Srushti Bhatuse, Malhar Purohit for Respondent No.1.

Ms. Sana Raees Khan a/w Aditya Singh, Jinay Jain, Ruchi Shrivastav for Respondent Nos. 2 to 4.

Dr. Milind Sathe, Advocate General with Shri Shishir Hiray, Public Prosecutor and Shri Kumar Saste, Addl. Public Prosecutor with Ms. Rasika Satone, Shri Shubham Joshi, Sanjay Kokne, Devavrat Hiray, Ankit Patil and Krishna Jaiwar for Respondent No.5-State.

Shri Chirag Kamdar a/w Kaustav Dev i/by Nahush Shah Legal for Respondent No.6.

Shri Sandeep D. Shinde (through V.C.) a/w Deva L. Shinde and Sakshi B. Patil for Respondent No.7-KDMC.

Shri Akshay Bhalerao a/w Abhinav Adsul, Shreeram Chindarkar, Ganesh Nagargoje, Gautam Tiwari i/by Vivek kumar Nishad for the Original Complainant.

...

**CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.**

DATE : 27th JULY, 2026.

P.C. :

1. We have considered the submissions of the learned *Amicus*, Shri Mundargi, learned Advocate General for the State of Maharashtra, Dr. Sathe, the learned Senior Advocate Shri Ponda appearing on behalf of Accused No.1, and the learned Public Prosecutor, Shri Hiray along with Shri Kumar Saste, Addl. Public Prosecutor and the learned Advocates Ms. Rasika Satone, Shri Shubham Joshi, Sanjay Kokne, Devavrat Hiray, Ankit Patil and Krishna Jaiwar for Respondent No.5-State.

2. Shri Ponda submits, on instructions, that the Accused No.1 may be put to certain conditions until the investigation is complete and the charge-sheet is filed. Though Accused No.1 is an elected Corporator of the concerned Corporation, he is willing to remain even outside the State of Maharashtra until the investigation is complete and the charge-sheet is filed, only to ensure that the apprehension of the alleged victims that they are under a threat from the Accused, would be put to rest. He further submits that Accused No.1 is willing to obey any other directions as this Court may impose upon him, for facilitating his release from the Magisterial Custody Remand. His bail bonds are intact. He has obeyed the order of this Court dated 18th July, 2026 and has surrendered to the concerned police station on 19th July, 2026 before the timeline of 24 hours expired.

3. The learned Advocate appearing on behalf of Accused Nos.2, 3 and 4, Ms. Khan submits that she would also adopt the submissions of the learned Senior Advocate, Shri Ponda and her clients would also abide by the same terms and conditions as this Court may impose upon all the Accused.

4. The learned *Amicus*, Shri Mundargi, submits that the investigation will have to be put on a fast-track. There are instances where investigation has been completed in quick time. He fairly submits that this is not a case where the Accused could be kept behind the bars for life or until the trial is concluded. A free and fair investigation is the fundamental object which the investigating agency has to achieve and while conducting such free and fair investigation, the victims and witnesses have to be adequately protected.

5. The learned Public Prosecutor, Shri Hiray, submits that the CCTV footages from the concerned police station, as well as from the concerned Civil Hospital where Accused No.1 was admitted, have also been preserved. The CCTV footages are available even today. If the Court or the learned Advocates for the various parties desire to see the CCTV footages, the same can be played for their viewing.

6. On a query from the Court as to whether a Senior Police Officer, not below the rank of Deputy Commissioner of Police, could be appointed for

conducting the investigation in order to allay the fears of the victims and the witnesses that the investigation would be botched, it is submitted that the State would be willing to entrust the investigation to a Deputy Commissioner of Police.

7. The learned Advocate, Shri Akshay Bhalerao submits that he is moving an Interim Application on behalf of one of the victims/complainant. The concerned male Doctor is receiving threats on his cell phone even after the incident of beating by the Accused. They abused the Doctors, including the lady Doctor, with foul, filthy and dirty language and threatened them that after they come out of the hospital, the Accused would remember their faces and deal with each of them. He also prays for some arrangements to be made either to record the statement of the complainant at his native place where he had to run away due to severe threats and fear, or he may be granted adequate police protection so as to record his statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

8. Shri Hiray submits that statements of the victims have been recorded. Statements of three Nurses and two Medical Officers have been recorded. Statement of ten more witnesses is to be recorded. In less than two days, the Deputy Commissioner of Police, Zone-III, Kalyan would be entrusted with the investigation. We record the said statement and we direct that the

investigation shall now be transferred to Deputy Commissioner of Police, Zone-III, Kalyan.

9. Shri Shinde, the learned Advocate appearing through virtual mode for Kalyan Dombivali Municipal Corporation (KDMC) submits that the Medical Officer of the KDMC had reached the police station on 10th July, 2026 and lodged a complaint. A compilation of documents (16 pages) is tendered to the Court along with the letter dated 14th July, 2026 addressed to the Commissioner of the KDMC, which is taken on record and marked as 'X-5' for identification.

10. The learned Senior Advocate, Shri Kamdar is not available today due to a personal difficulty. It is requested that the matter may be posted on some other date.

11. The learned Senior Advocate, Shri Ponda, submits that if the victim/complainant is to tender some affidavit and certain transcript, as is stated across the bar, let the matter be posted on Friday, 31st July, 2026 at 3.00 p.m.

12. Shri Hiray, the learned Public Prosecutor, has tendered a compilation of documents with an index (45 pages), which is taken on record and marked as 'X-6' for identification.

13. In the interregnum, let the Deputy Commissioner of Police, Zone-III, Kalyan take over the investigation as expeditiously as possible and ensure that appropriate steps are taken to record the statements of the complainant, victims and the remaining witnesses, by granting them adequate police protection, in accordance with the due procedure in law.

14. On the next date, the concerned Deputy Commissioner of Police/ Investigating Officer would intimate the Court about the progress made in the investigation till then.

15. Shri Hiray, the learned Public Prosecutor, suggests that Dr. Vaibhav Salunke, the complainant will be given enough protection at Washim and his statement may be recorded in the appropriate Court at Washim as per the directions of the learned Principal District Judge. We, therefore, direct the Registry of this Court to inform the learned Principal District Judge, Washim to make arrangements for recording the statement of Dr. Vaibhav Salunke before an appropriate Magistrate under Section 183 of the BNSS, as a part of the investigation. The said statement can then be transmitted to the DCP/IO who will establish contact with the District Court at Washim to collect the said statement.

16. List the matter on **Friday, 31st July, 2026 at 3.00 p.m.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, ACJ.]