

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 411 OF 2026

Dharmendra Manikchand Upadhyay ...Appellant  
*Versus*  
The State of Maharashtra and Anr. ...Respondents

Mr. Rounak Naik a/w Lochan Chandka for the Appellant  
Mr Veera Shinde, APP for the Respondent-State.  
L.P. Bade, PSI, Laxman- Pairvi, Kalyan Police Station.

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CORAM: R. M. JOSHI, J.

DATED: 06<sup>th</sup> May, 2026

PC:-

1. Learned counsel for the appellant submits that there are disputes between the parties in respect of payment of maintenance of the society similarly an the amount of Rs. 25,000/- is paid by the appellant to one of the committee member of the society towards transfer fee and since appellant was insisting on the issuance of the receipt in respect of the said payment, the present report came to be lodged against him. It is argued that though it is claimed that the incident has occurred in a meeting held on 05.04.2026,

there is no evidence indicating firstly, that any incident has occurred and secondly, it has occurred in public view.

2. Learned APP opposed to grant of any interim relief. On instruction from officer, who is present in the Court, however, she states that investigation papers are not available to point out evidence to this Court.

3. Since the officer has not brought investigation papers, there is no *prima-facie* evidence to indicate that the incident in question has occurred in public view. Having regard to the facts, sought to be argued by counsel for the applicant, till respondent no.2 is heard, liberty of the appellant is deserves to be protected. Hence, there shall be *ad-interim* relief in terms of prayer clause -(c) till next date.

4. Issue notice to the Respondents.

5. Learned APP waives service on behalf of Respondent-State.

6. Issue notice to Respondent No.2 is made returnable on 22<sup>nd</sup> June, 2026.

**R. M. JOSHI, J.**