

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO. 334 OF 2019**

Shankar Dattu Jadhav

.. Appellant

Versus

The State of Maharashtra and Anr.

.. Respondents

...

Mr. Umesh Mankapure for the Appellant.

Mrs. M.R.Tidke, APP for the Respondent .

PN 287 Mr. N.B.Dongare from Miraj Police Station, Sangli.

**CORAM: P. N. DESHMUKH, J.**

**DATED : 19<sup>th</sup> NOVEMBER, 2019.**

**P.C:-**

Heard Learned Counsel for appellant.

2. This appeal is by one of the co-accused involved in crime No.175 of 2019 registered by Rural Police Station Miraj for the offence punishable under Section 3(1)(r)(s), 3(2)(va) of Schedule Caste and Scheduled Tribes Act.

3. It is submitted that no role is attributed to the applicant

to attract the provisions applied against him and that if at all any role is attributed, applicant is entitled to bail on parity as co-accused Subhash Salunkhe, against whom there is direct allegation, is granted anticipatory bail by this Court. Accordingly, it is contended that necessary order be passed by imposing conditions, if found necessary.

4. Learned APP opposed appeal on the ground that there is prima facie evidence against the appellant establishing his role in the present crime and on instructions, makes statement that chargesheet is filed before the Competent Court.

5. In the background of above facts and having considering the fact that applicant is protected by interim bail dated 8<sup>th</sup> March, 2019 and since from the order dated 4<sup>th</sup> June, 2019 of this Court, taken on record, mark X-for Identification, co-accused Subhash Salunkhe who is granted anticipatory bail, present appeal needs to be allowed as considering the contents of report role attributed to co-accused, prima facie, appears to be on higher footing then the appellant, as the co-accused who is granted bail. Even after the incident, which is alleged to have taken place on 11<sup>th</sup>

January, 2019 when complainant was not offered proper chair to sit saying that she belongs to Scheduled Caste, co-accused even after this incident appears to have passed remarks to complainant that she belongs to Scheduled Caste and also abused her on caste basis in the village. Further saying that he would show places to persons belonging to such caste. Having considering facts as aforesaid, as it is noted that role attributed to co-accused is on higher footing, appeal is liable to be allowed on parity. Hence, following order is passed:

**ORDER**

- (a) Interim order of this Court dated 8<sup>th</sup> March, 2019 stands confirmed on same terms and conditions.
- (b) Appeal is disposed of as allowed.

**(P. N. DESHMUKH, J.)**