

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

ANTICIPATORY BAIL APPLICATION NO. 583 OF 2021

Darphan Talwar @ Niku

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Rounak Naik, for the applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 2nd MARCH, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 182 of 2020 registered at Nhava Seva Police Station, on 12/11/2020 under Sections 384, 387, 323, 504, 34 of Indian Penal Code.

2. The F.I.R is lodged by one Shino Sunny John. He has stated in his F.I.R that his elder brother Shreerag has a supermarket. It was started from 08th September 2020. The informant was looking after that business. It is

alleged that, on an earlier occasion, before the subject matter of the First Information Report; one Nilesh Deshmukh accompanied by one Vikrant had approached him and had demanded Rs.25,000/- as extortion amount. On 11/11/2020, at about 11.30 p.m., the informant was present with his brother Shreerag and friends. It is alleged that, at that time, Nilesh Deshmukh, Vikrant , Sushant and the present applicant came there. Nilesh again demanded Rs.25,000/-. The informant's brother refused to pay any money. It is alleged that Nilesh then started fighting and started assaulting Shreerag. As the informant intervened, Nilesh started beating him as well. It is alleged that the others and the present applicant joined Nilesh in beating the informant. They abused him and threatened to kill him. The others from the locality came there and therefore, Nilesh, the applicant and others went away in a car. Therefore, this F.I.R. is lodged.

3. Heard Mr. Rounak Naik, learned Counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

4. Learned Counsel for the applicant submitted that the applicant is a taxi driver and he is dragged in this case on false allegations. The CCTV footage does not show his presence and no serious role is attributed to him. He submitted that other two accused namely Vikrant and Sushant are granted anticipatory bail by this Court. He submitted that on grounds of parity, the applicant also deserves the same protection.

5. Learned APP relied on the allegations in the FIR and opposed this application.

6. I have considered these submissions. The investigation shows that some incident had taken place in November 2020. However, the main allegations are directed at Nilesh Deshmukh. The applicant had joined him. Admittedly the informant had suffered simple injuries. As far as extortion is concerned, on the previous occasion when money was demanded, only Nilesh

Deshmukh and Vikrant Bhoir had approached Shreerag and had demanded extortion money. At that time, the applicant was not with them. Therefore, in this background custodial interrogation of the applicant is not necessary. Even on the ground of parity, he deserves same protection as granted to other two accused Vikrant Bhoir and Sushant Bandre.

7. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. I-182 of 2020 registered with Nhava Sheva Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called. In addition, the applicant shall attend the concerned Police Station every fortnight

till filing of the chargsheet.

- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)